

Appendix M: Response to Comments Received on the SDEIS

Federal Agencies

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Federal Agency Comments

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Cota, Keith

From: Hicks, Michael C CIV USARMY CENAE (USA) <Michael.C.Hicks@usace.army.mil>
Sent: Friday, January 4, 2019 8:39 AM
To: Cota, Keith
Cc: Laurin, Marc
Subject: FW: Feedback: NAE-2005-03061 Postmaster

Keith,

Here are some comments from the Postmaster.

Thanks,
Mike

Michael Hicks, PM
USACE, REG DIV., BR. C
978-318-8157

-----Original Message-----

From: Hauser, Carol A - Derry, NH [<mailto:carol.a.hauser@usps.gov>]
Sent: Thursday, January 03, 2019 4:59 PM
To: Hicks, Michael C CIV USARMY CENAE (USA) <Michael.C.Hicks@usace.army.mil>
Cc: Hauser, Carol A - Derry, NH <carol.a.hauser@usps.gov>
Subject: [Non-DoD Source] Feedback: NAE-2005-03061

Mr. Hicks,

Thank you for the opportunity to provide comments on this project of Exit 4A in Derry NH 03038.

I am the Postmaster of Derry NH located at 24 Tsienneto Rd, and we deliver along the entire length of the proposed construction.

Currently we have curbside (customer's boxes along the street), and park and loop delivery (carrier works from a central point and walks house to house), and we have neighborhood cluster boxes (multi box with parcel lockers).

With the expected increase in traffic, the placement of mailboxes and or neighborhood cluster boxes is of interest to us for the most cost efficient and most delivery efficient methodology. Obviously we would like to be able to pull off of the road and deliver to a centrally located box, that is out of traffic and harm's way.

Our preference is neighborhood cluster boxes off of the road which is safer for the carrier, safer for the patron to retrieve mail, but also safer for the delivery of mail to prevent theft as these units are locked.

We consider Folsom Rd to be one of our most problematic streets for safety, as this is used currently as a cut through to avoid the downtown traffic and lights.

Hopefully, as you proceed we will be able to incorporate newer and preferred delivery methodology to make the activities safer for all concerned.

If you need to reach me for clarification, my number is 603-432-7835 or via email works as well.

Thank you for your consideration,

Carol A. Hauser
Postmaster
24 Tsienneto Rd
Derry NH 03038

603-432-7835



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – 8th Floor
Boston, Massachusetts 02109-3572

January 29, 2019

9043.1
ER 18/0522

Jamison S. Sikora
Federal Highway Administration
New Hampshire Division
53 Pleasant Street, Suite 2200
Concord, NH 03301

**Subject: Supplemental Draft Environmental Impact Statement (SDEIS)
Section 4(f) Evaluation – Interstate 93 Exit 4A
Derry and Londonderry, New Hampshire**

Dear Mr. Sikora:

The U.S. Department of the Interior (Department) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) and Section 4(f) Evaluation for the proposed Interstate 93, Exit 4A Project in the Towns of Derry and Londonderry, NH. The purpose of the proposed Project is to reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry-Londonderry area. The Department is submitting comments past the comment deadline due to the lapse in appropriations for the U.S. Department of the Interior. The Department’s National Park Service (NPS) and U.S. Geological Survey have contributed to the following comments on this project.

NPS - Section 4(f) Evaluation Comments

The Department concurs that there is no prudent and feasible alternative to the proposed use of 4(f) lands, consisting of the M&L Railroad Historic District, which was determined eligible for listing on the National Register of Historic Places (NRHP). Alternative A will have an adverse effect on the historic district due to the addition of modern elements within the NRHP property boundary, which would alter the character of the historic railroad corridor, thus constitutes a 4(f) use. The Department concurs that the proposed mitigation measures should be appropriate to compensate for the adverse effect to the historic district, but that a formal memorandum of agreement (MOA) has yet to be drafted. The Department encourages FHWA to continue consultation with the SHPO, DOT and other consulting parties to reach final agreement on appropriate mitigation measures and requests to review the MOA as part of the final 4(f)

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document. If you have questions regarding these comments, please contact Cheryl Sams, NPS at (215) 597-5822, or Cheryl_Sams@nps.gov.

USGS - Supplemental Draft Environmental Impact Statement (SDEIS)

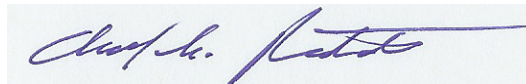
The U.S. Geological Survey (USGS) has reviewed the FHWA, Supplemental DEIS for the proposed I-93 Exit 4A project in New Hampshire. This comment is intended to address an issue with a website reference within the DEIS. The DEIS contains a reference to a USGS website that is not accessible by the URL provided:

USGS (U.S. Geological Survey). 2002. USGS. 2002. Managing Habitat for Grassland Birds—A Guide for Wisconsin. Available at:

<http://www.npwr.usgs.gov/resource/2002/wiscbird/guideline.htm> is not valid and should be changed to: <https://www2.usgs.gov/science/cite-view.php?cite=728>. If you have any questions concerning these comments, please contact J. Michael Norris, USGS Coordinator for Environmental Assessment Reviews, at (603) 226-7847 or at mnorris@usgs.gov.

Thank you for the opportunity to review and comment on this project. Please contact me at (617) 223-8565 if I can be of further assistance.

Sincerely,



Andrew L. Raddant
Regional Environmental Officer

CC: SHPO-NH (elizabeth.muzzey@dncr.nh.gov)
NHDOT (peter.stamnas@dot.nh.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109 - 3912**

January 31, 2019

Robert J. Desista
Acting Chief, Regulatory Division
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

RE: Public Notice Exit 4A NHDOT 2005-03061

Dear Mr. Desista:

The Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Federal Highway Administration, New Hampshire Department of Transportation (NHDOT) and the towns of Londonderry and Derry; and the Army Corps of Engineers (Corps) Public Notice (PN) for the I-93 Exit 4A Project in New Hampshire. The enclosed technical attachment and summary comments herein are intended to address the Corps' PN of the CWA Section 404 permit application.

The NHDOT seeks a Section 404 permit to construct the project, which is to build a new exit and roadway off I-93 in southern New Hampshire to address traffic and development needs of local towns. The project would add a new interchange from I-93 (known as Exit 4A) and a new road in the Town of Londonderry, starting approximately one mile north of Exit 4 and extending to eastern Derry. The preferred alternative, Alternative A, includes a new exit that would accommodate traffic from the east side of I-93, a one-mile section of new roadway (that would bisect and provide access to an undeveloped parcel of over 200 acres), and 2.2 miles of existing roadway improvements (mostly in Derry). Overall project costs for Alternative A are approximately \$57 million.

The Exit 4A application describes two project purposes: traffic relief and economic development. The SDEIS points out that traffic totals for Alternative A do not change the Level

of Service (LOS) compared to the no-build option. The downtown portion of Derry will be at LOS D both for the no-build option and for Alternative A in 2040. There appears to be only modest traffic benefit from building this roadway and, for some roads and intersections, negative traffic impacts. As explained in the enclosed technical attachment, it seems clear from the SDEIS and the PN that economic development is the primary reason for the project.

Under Alternative A, this development will greatly impact an area rich in unique vernal pools, yet the aquatic impacts from such development have not been fully assessed, and no mitigation is being proposed for the second project purpose of economic vitality. We understand that NHDOT is concerned about paying to mitigate the impacts of induced growth, but to comply with the EPA 404(b)(1) Guidelines we recommend that the applicant propose a mitigation plan that addresses the impacts of both the roadway and the additional development. An alternative would be to reduce the impacts by eliminating access to the 200-acre parcel (e.g., by selecting one of the other traffic-alleviating alternatives described in the SDEIS), but we understand that this would not serve a key purpose of the project.

Thank you for your careful consideration of our comments. EPA recommends that these issues be addressed before a permit is provided for this project. We are happy to meet with you and discuss any of our comments. If you have any further questions, please have your staff call me at (617) 918-1549 or Mark Kern at (617) 918-1589.

Sincerely,



Jacqueline LeClair, Chief
Wetlands Protection Unit

Enclosure

cc: (electronically)

M. Hicks, Corps

F. Delguidice, Corps

R. Ladd, Corps

K. Cota, NHDOT

J. Sikora, FHWA

L. Sommer, NHDES

G. Infrascelli, NHDES

C. Adams, NHDES

Technical Attachment: Wetland Comments on the Corps Public Notice for Exit 4A

Project Purposes

The basic project purposes, as defined by the Corps, are (1) to reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and (2) to promote economic vitality in the Derry-Londonderry area. Given these two purposes, we note that the preferred alternative will result in only modest traffic improvements while adversely impacting the majority of the over 50 vernal pools (VPs) on the site for which inadequate mitigation is proposed.

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Below, please find a more detailed discussion on each project purpose, as well as background technical notes about the project's impacts.

Purpose 1: Traffic Need and Improvements

The primary traffic concerns cited in the project description are along Route 102 through downtown Derry. The majority of the proposed development for commercial and institutional uses is expected to take place on commercially and industrially zoned land adjacent to a proposed road and interchange in a 200-acre block of forested land with 50+ vernal pools. The roadway would be in a new location for approximately one mile, and it would include improvements to an existing roadway for another 2.2 miles.

Based on the data presented in the SDEIS, the build alternatives, including the preferred highway option, Alternative A (Alt. A), will do little to meet the traffic-related portion of the project purpose (i.e., to reduce congestion along NH Route 102 through downtown Derry). Both the current and projected study year (2040) LOS assessments under a no-build option are LOS D; typically, NHDOT projects are only designed and undertaken to improve areas with a poor level of service (i.e., LOS F) in multiple locations.

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Given, then, that the project area is not at a low LOS F-level, the no-build alternative's traffic congestion would be deemed acceptable for all of downtown Derry. Specifically, data presented in the SDEIS shows that the proposed new road (Alt. A) would make only modest improvements to reduce the traffic in downtown Derry and would not improve the LOS on Route 102 in the downtown area. While the SDEIS reports that the traffic will be 19% better in Downtown Derry in 2040 for Alt. A vs. the no-build (Table 3.7-1), this number represents only one intersection in downtown Derry (102/Fordway) and is not an overall summary of downtown traffic or traffic patterns along other parts of Route 102. For the only other intersection in downtown Derry that was analyzed (102/28), the preferred alternative A in 2040 would make traffic slightly worse. Further, the LOS for that intersection will drop from D to E in the afternoon peak hour. Thus, the

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preferred alternative appears to offer little traffic relief for downtown Derry and Route 102 heading east (Corps project purpose #1).

Across the larger project area, the SDEIS shows that Alt. A would help – on balance – only a subset of smaller area roads. Table 4.2-9 (page 4-19) shows overall LOS improvements for current E and F level intersections at 9 locations, but LOS deterioration at 4 other intersections. Table 7 of the Traffic Technical Report (Appendix C) also looks at the larger study area and confirms that the results are mixed: 18 intersections show improvements, while 19 intersections are worse off.

Purpose 2: Promote economic vitality in the Derry-Londonderry Area

The SDEIS explains that Derry is currently experiencing a trend of population decline. The study also includes reference to the town's conclusion that while this project would not likely help to induce additional residential growth in Derry (page 5-29), there is an expectation that the new road and the proposed Alternative (Alt. A) will help with industrial and commercial growth in a specific area it plans to rezone. This specific 9-acre area, known as Derry Industrial Development, is located on Folsom Road, a local road that will be upgraded as part of Alt. A. This change in zoning would allow new development that is expected to provide up to 346 new jobs. This induced growth would not impact streams, wetlands, or VPs (page 5-29) so therefore it is not a concern for the 404-permit review.

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Growth in Londonderry has also slowed down. Project-induced future growth (as well as the density of that growth) depends on road, water, and sewer access to undeveloped lands (page 5-9). Under the project's proposed plan (Alt. A) no Londonderry areas west of I-93 would see growth as the alternative only provides road access east of I-93 (page 5-10).

On the east side of I-93, the major focus of the additional development would be centered on a (slightly larger than) 200-acre forested area. Indeed, it appears that facilitating development in this 200-acre tract is the key focus of the project purpose. The towns have rejected all the build alternatives that do not include a new roadway that enters and bisects this tract. On Page 13 of the Executive Summary (ES), the SDEIS notes that although Alternatives C and D would result in a similar decrease in traffic in downtown Derry (fulfilling project Purpose 1), they would not contribute to economic development. Both options C and D also provide another way to move people and goods from Route 28 (and Bypass 28) to I-93. Overall, the only substantial difference between alternatives C and D compared to the preferred alternative (Alt. A) is access to the 200-acre parcel and the 9-acre Derry Industrial Development site.

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The Alternatives Comparison Matrix (Table 3.7-1, page 3-15), shows that Alternatives A and B (with road routes that bisect the 200-acre block) will increase employment by 4,680 workers, while Alternatives C and D (lacking routes bisecting the 200-acre block) do not induce additional employment in the area. More than 4,000 of the preferred alternative-induced jobs (roughly 85%) are directly linked to developing this 200-acre site.

While there may be some other development in the area due to the project, the towns have been clear that this 200-acre parcel (with over 50 vernal pools) is the epicenter of what the towns hope

to be able to develop directly as a result of the proposed roadway. The proposed project appears to be well positioned to promote development, since the new road will bisect this block and build new interchanges into the area. The SDEIS states on page 6-7 of the Executive Summary: "In Londonderry, large tracts of undeveloped land are adjacent to the east side of I-93 between Exits 4 and 5, the attractiveness of which for commercial or industrial development would be greatly enhanced by a direct connection to I-93...a new exit would provide accessibility to existing undeveloped land, thereby enhancing the development potential."

Wetland/§404 Issues

Section 404 of the Clean Water Act regulates the discharge of dredged or fill material into wetlands and other waters of the United States. EPA's Section 404(b)(1) guidelines (40 C.F.R. Part 230) set forth the environmental standards which must be satisfied for a Section 404 permit to issue. Four key provisions of the guidelines are critical when considering the proposed project. First, the guidelines generally prohibit the discharge of dredged or fill material if there exists a practicable alternative which causes less harm to the aquatic ecosystem. Where, as here, the project is not water dependent and involves fill in wetlands, practicable, less environmentally damaging alternatives are presumed to exist unless clearly demonstrated otherwise. Second, the guidelines prohibit issuance of a permit if, among other things, the discharge would cause or contribute to a violation of applicable state water quality standards. Third, the guidelines prohibit issuance of a permit if the discharge would cause or contribute to significant degradation of waters of the United States. Finally, the guidelines prohibit issuance of a permit unless all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge upon the aquatic ecosystem.

Environmental Values

The wetlands to be filled by the proposed project are associated with several tributaries that flow into Shields and Beaver Brook, which then flow into the Merrimack River, one of the most important aquatic systems in New England. The SDEIS confirms that most of the wetlands in the study area provide a wide spectrum of functions and values, including sediment and toxicant retention; wildlife habitat; groundwater recharge and discharge; and nutrient retention. The study area contains a variety of wetlands, vernal pools, and intermittent and perennial streams.

Some of the wetlands and streams in the study area have experienced past impacts from development, but many valuable undeveloped areas remain, including one forested area (the 200+ acre tract discussed above, to the east of I-93) which contains streams and many (over 50) productive vernal pools. This area provides a refuge for local wildlife and species that use vernal pools, forests, and streams for food and as travel corridors through the watershed.

Vegetated wetlands help maintain the quality of rivers and streams. Wetlands help remove and retain nutrients, such as nitrogen and phosphorus, which cause eutrophication of natural waters. Wetlands also trap sediment which can transport absorbed nutrients, pesticides, heavy metals and other pollutants. Much of this material is either stored in the sediment or converted to useable

plant material. Given the historical development in much of the study area, the wetlands systems are especially important for pollutant removal and retention.

The Wildlife Action Plan (WAP) produced by the NH Fish and Game list several species that may be in the study area as endangered, threatened, or a species of concern. Some of the endangered and threatened species include Blanding’s turtle, spotted turtle, and northern black racer. Some of species of concern include blue spotted salamander, eastern ribbon snake, scarlet tanager, and wood thrush.

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The larger study area contains many vernal pools (VPs); of these, approximately 50 are located within the 200-acre undeveloped habitat tract. Vernal pools are breeding habitats for amphibians and are utilized by other wildlife including turtles and birds. They also support an abundance of invertebrate life that, along with the abundant amphibians, attracts hawks, owls, snakes, turtles, waterfowl and predatory mammals.

High value vernal pools are one of the most valuable aquatic systems in New England – rivaling salt marshes in their productivity. Animals that use these pools largely live in the region’s forests and travel to and from the pools during the year. If development removes the forest around the VPs but saves the VPs themselves, within a short time the productivity of the VPS will be greatly diminished or eliminated.

Vernal pool experts recommend no development in the first 100 feet from the edge of a VP, and less than 25% development within 750 feet for long term survival of the amphibians (Calhoun, A. J. K. and M. W. Klemens. 2002. *Best Development Practices: Conserving Pool-breeding Amphibians in Residential and Commercial Developments in the Northeastern United States*. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York). They report that development higher than 25% in this 750-foot area results in declines in breeding populations. Thus, putting a major road within a few hundred feet of a vernal pool (as described in the SDEIS) can greatly impact the pool; over time this would reach the point of total loss of amphibians from these habitats.

Many of the project area’s identified pools are highly productive (e.g., are home to numerous egg masses) and have a large influence on the ecology of the larger landscape. The high productivity provides much energy in the form of biomass (individual salamanders and wood frogs) to the surrounding ecosystem. Some of this energy is transferred out of the local area when predators feed on the protein rich eggs. Also, a large amount of energy departs the pools as young-of-the-year amphibians disperse in late summer or autumn into adjacent wetland and upland systems. Some of these species disperse several hundred feet from their breeding ponds into the adjacent upland habitat – for example, the spotted salamander typically travels 750 feet from its breeding pond. These individuals are an important component of the terrestrial food web.

Aquatic Impacts

Within the project area, the preferred (Alt. A) route would fill 4.34 acres of wetlands (including 8 vernal pools), relocate 2,281 linear feet of streams, add 5 new stream crossings, and fill 0.45 acre-feet of the 100-year floodplain. The route would also bisect the undeveloped 200-acre tract,

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which contains 50 vernal pools within it, thereby facilitating the tract's commercial development. Overall, the vast majority of the impacts would be to forested wetlands, vernal pools, and streams.

Loss of wetland acreage, including vernal pools, correlates with loss of functions including habitat and hydrological functions (e.g., flood storage, nutrient and toxicant transformation, groundwater discharge and recharge). The highway will add many acres of pavement to the landscape and eliminate wetlands which help purify waters. Greater amounts of salt, sediment, nutrients, and other pollutants of urban runoff, such as lead, oil, and gas, would enter tributary streams. Sediment causes turbidity, which reduces aquatic life and usually transports pesticides, heavy metals and other toxins into the streams.

The new highway would superimpose a large impact on a valuable area already experiencing some stress from cumulative impacts. The loss of forested wetlands and vernal pools would cause the death and displacement of wildlife and reduce water quality functions. The wildlife community remaining would be reduced in both number of individuals and diversity of species. The roadway itself would fragment the 200-acre area into two much smaller sections and would create a barrier to migration that would increase mortality for most non-avian species.

Wildlife impacts would be even greater from the habitat fragmentation, especially from a large busy highway such as this roadway (5 lanes; over 100' of cleared land along the width of roadway; high traffic numbers). The highway would fragment a variety of interconnected VPs, streams, wetlands, and uplands. As the landscape is modified by roads and development, the remnant patches of native habitat will become smaller and increasingly isolated. Increased amounts of edge habitat will increase predation and parasitism, and will lead to increased roadside waste, noise, and particulate matter pollution impacts to the waterways and forests. Increased nest predation (such as by racoons and blue jays) and brood parasitism (by brown-headed cowbirds) are two of the key factors affecting forest bird declines in fragmented landscapes. Animal populations associated with these patches are also vulnerable to local extinction because of their small size and limited exchange with neighboring populations.

Since most of the 200-acre block is forested, nesting birds that need the forest would be heavily impacted from the road and induced growth. The SDEIS points out that this impact would be magnified because the roadway alignment bisects a large unfragmented habitat block, and forest-dependent species are sensitive to fragmentation effects. Species such as northern waterthrush, Canada warbler, veery, and barred owl would be reduced or extirpated from the area. Habitat suitability for all remaining bird species in the remaining forest area would be greatly reduced.

Loss of vernal pool habitat and forest blocks would also greatly reduce the productivity of the remaining forest habitat for vernal pool breeding amphibians, which are especially valuable to wildlife. The highway will fill 8 VPs and cause large secondary impacts to many other VPs. The SDEIS reports that the new highway would be built within 100' of 5 VPs and would reduce the critical terrestrial habitat of another 25 VPs to dangerous levels (below the 75% level that is recommended in the Corps mitigation guidance; see

http://www.nae.usace.army.mil/portals/74/docs/regulatory/Mitigation/2016_New_England_Compensatory_Mitigation_Guidance.pdf). The 5-lane roadway will greatly impact VPs within a few

hundred feet of the road, and over time, result in total loss of amphibians from most of the pools. The VPs with 100' of the road with very likely be lost over time, while other VPs, slightly beyond this distance will also be impacted or lost (e.g., for pools numbered 5, 13, 28, 29, 44, 47, 48, 54, 63, 64).

The loss of amphibians and reptiles would also adversely affect bird and mammal communities, since they are important links in the food chain. For example, birds and small mammals eat frogs and salamanders, and many of these animals are in turn eaten by wading birds, raptors, and furbearers. These complex food chains play a critical role in transferring energy from wetlands to upland systems.

While several rare turtles have been found in the area, there are no current records for any listed turtle species near the preferred alternative. However, turtles are quite difficult to locate and some of these species could easily be using the productive VPs on the site. If they are using the area, they likely will not be able to survive once the new road and adjacent development is in place. Northern black racer has been found within the footprint of the preferred alternative, and all the development and habitat fragmentation would greatly impact or likely extirpate this species from the area.

Water Quality Issues: Chloride

Background

The Exit 4A project is located within the Beaver Brook watershed, which is subject to an approved Total Maximum Daily Load (TMDL)¹ to reduce pollution due to chloride loading primarily due to de-icing activities in the watershed. The TMDL was developed as a result of exceedances in 2004 and 2005 of New Hampshire's Water Quality Standard (WQS) for chloride, specifically the criterion to protect against chronic toxicity to aquatic life. The TMDL determines the chloride loads to the watershed from various sources (state roads, municipal roads, private roads, parking lots, salt piles, water softeners, food waste and atmospheric deposition), establishes a total load that would ensure attainment of the instream chloride criteria, and allocates loads to those various sources to prevent exceedances of the acute and chronic criteria for chloride. As a result of the TMDL, NH DES developed a chloride reduction strategy that focuses on implementing chloride reduction best management practices (BMPs).

According to the SDEIS for the Exit 4A project, the preferred Alternative A build plan will increase chloride loading to the Beaver Brook watershed by 99.45 tons per year. (This total does not include the additional chloride from the induced growth.) The Beaver Brook Total Maximum Daily Load Study (TMDL) states, "It should be noted that the load allocations in the TMDL do not include an allowance for future growth, so any future construction of additional roads or parking lots in the Beaver Brook watershed would necessitate additional load reductions elsewhere in the watershed beyond the allocations in Table 6."

¹ NHDES, 2008. Total Maximum Daily Load (TMDL) Study for Waterbodies in the Vicinity of the I-93 Corridor from Massachusetts to Manchester, NH: Beaver Brook in Derry and Londonderry, NH. Page 18.

Best Management Practices

The build plan for Alternative A states that best management practices (BMPs) will be applied to deicing activities for the proposed exit and connector road. However, there is no assurance that the additional chloride loading from the project will comply with the language of the approved TMDL. The project relies on the implementation of salt reduction activities that have taken place in the watershed since the TMDL was approved (April 18, 2008) to justify the additional loading capacity within the watershed. The SDEIS indicates that new loads should be offset by existing reduction plans. While we agree that NH has an effective salt reduction program, it is not clear how the BMPs implemented to reduce loads from existing sources directly address the future growth represented by the exit, connector road and induced development.

Appendix G of the SDEIS (Chloride Technical Report) states, "This additional salt load is expected to be offset by NHDOT and the Towns through development and execution of Chloride Reduction Plans as required in the 2017 NH MS4. In addition, NHDOT, Derry and Londonderry plan to implement salt reducing BMPs not specified in the MS4 permit (as presented in Section 2.3) which will provide additional assurances that the Project salt load will be offset and the Beaver Brook chloride TMDL can be achieved." While this statement provides assurance that this project will comply with the NH MS4 permit and that additional BMPs will be implemented, it does not quantify future potential reductions in salt loading to the watershed (due to the BMP approach) and whether they will create adequate capacity for the watershed to accommodate the increased salt loading without violating the NH water quality standard for chloride.

Secondary and Cumulative Impacts

The National Cooperative Highway Research Program Report 403 provides helpful context for and lists three types of indirect effects (page 5-1): (1) *Encroachment-Alteration*, such as the fragmentation resulting from a new roadway; (2) *Induced Growth*, including changes in the intensity of land use due to better accessibility (not examined in the SDEIS); and (3) *Induced Growth-Related*, the change in function of the affected environment caused by the additional induced growth. This proposed project will cause large indirect impacts of all three types. The 5-lane busy roadway will greatly fragment a valuable area with over 50 VPs. It will provide an opportunity for induced growth by putting interchanges in the middle of the VP-rich area, allowing access to promote intense development which will further the fragmentation and isolation of the VPs. It does not appear that these three types of impacts were considered in formulating the proposed mitigation plan for the proposed project.

In addition to direct impacts, the EPA Section 404(b)(1) Guidelines require an analysis of secondary and cumulative aquatic impacts to the aquatic ecosystem (40 CFR Section 230.11(g) and (h)). These include impacts that result from reasonably foreseeable future actions. In this case, one of the project purposes is to facilitate development, especially in this 200-acre area, fulfilling the definition of "reasonably foreseeable." In addition, the EPA guidelines prohibit the issuance of a permit when it would result in impacts, including secondary and cumulative impacts, that cause or "contribute to" significant degradation of the aquatic environment. Effects

contributing to significant degradation include significant adverse effects on aquatic ecosystem diversity, productivity, and stability, such as the loss of fish and wildlife habitat (Section 230.10(c), subparts B through G). The EPA §404(b)(1) Guidelines specifically identify impacts on travel corridors of aquatic species and effects which reach beyond the disposal site as areas of concern (Section 230.32).

Consistent with the EPA Guidelines, EPA reviewed secondary and cumulative impacts from both induced growth and the fragmentation of the site (including, largely, the loss of critical terrestrial habitat and the indirect impacts to the wetlands and VPs). The SDEIS discusses some secondary and cumulative impacts of induced growth, but it does not fully consider the extent of such likely development and impacts, nor does it examine the fragmentation impacts of the preferred alternative (*i.e.*, the loss of critical terrestrial habitat and the indirect impacts to wetlands and VPs).

According to the SDEIS, the No Build Alternative would result in homes on 41 to 70 acres of the 200-acre parcel (Woodmont Commons East parcel). Under Alternative A, with the addition of Exit 4A connecting the site to I-93 and the expanded local roadway network, the development plan is expected to shift away from solely residential to a mix of commercial and institutional uses on 68 to 108 acres of the site. These two development patterns will affect wetlands and vernal pools in the general project area in different ways.

The highway will promote the loss of additional vegetated land. The new road and interchanges will promote and facilitate more intense development over a shorter time span (compared to residential development under the no-build alternative) in this valuable unfragmented area. The more intense the development and the closer it is to the VPs, the greater the impact. Thus, if there were no highway or interchange (the No Build Alternative), any housing built in the area would cause limited secondary impacts to the VPs – far less than the impacts that would result from the preferred alternative’s new roads and the anticipated large commercial and institutional (e.g., a hospital) development with little natural vegetation.

In our 2015 discussions with the developer’s consultants, the Woodmont Commons East development plan showed that the latest (at that time) version would greatly impact 14 VPs, eliminating five, and causing large secondary and cumulative impacts to nine. The design of the Woodmont Commons East development, how impacts are minimized, and what mitigation measures are proposed will play a key part in determining how much impact will be associated with this portion of the project.

Significant Degradation

The proposed highway will cause impacts to streams, forested wetlands, and vernal pools, greatly impacting wildlife and reducing water quality functions. It would fragment the 200-acre area into smaller parcels and the road would be a barrier for most animals. Wildlife impacts would be even larger from the habitat fragmentation of a busy highway. Interconnected VPs, streams, wetlands, and uplands would be split apart, with the remnant patches of wildlife habitat

becoming more isolated. Animal populations, especially VP amphibians and forested, nesting birds would be heavily impacted from the road and vulnerable to local extinction.

Much of the natural vegetation will be replaced by impervious surfaces which in combination with increased sources of pollutants from residential and commercial development will substantially increase stormwater pollutant loading to nearby streams and aquifers. It will also eliminate wetlands that would otherwise remove urban pollutants from some of this runoff by storing and transforming chemicals such as nitrogen. Most of the vernal pools will lose most of their productivity or they will no longer support amphibians.

Once the road and the new interchanges are in place, it will be difficult to monitor and regulate future cumulative impacts to vernal pools and other aquatic resources. Projects located almost entirely in the critical terrestrial habitat would likely involve discharges that would fall below the usual mitigation threshold and they could significantly diminish the value of vernal pools and other wetlands by isolation, fragmentation and disruption of essential movement patterns.

If the current project is built with the interchanges and without any mitigation for the induced growth, then it appears likely that many of the 50+ vernal pools will be reduced in value, with most being lost to vernal pool amphibians over time. This large impact will likely cause or contribute to a significant degradation of the waters of the U.S. The direct and secondary loss of vernal pools from the transportation-related components and induced growth on the 200-acre site would likely be the largest impact to vernal pools in New England since the passage of the Clean Water Act.

Alternatives

The 404(b)(1) guidelines generally prohibit the discharge of dredged or fill material if there is a practicable alternative to the discharge which is less environmentally damaging to the aquatic environment. 40 C.F.R. §230.10(a). An alternative is practicable if it is available and capable of being done in terms of cost, technology, and logistics in light of the basic project purpose.

There have been several coordination meetings at which the alternatives have been discussed. Alternatives A and B bisect the 200-acre parcel, while Alternatives C and D are further north and do not cross the 200-acre area. Alternatives D and A impact the smallest total wetland amount, but the preferred alternative (A) is far more damaging to the aquatic environment than Alternative D, due to the large secondary and cumulative impacts to the 50+ vernal pools.

As discussed above (relating to the traffic-easing project purpose), the preferred alternative appears to do little to help reduce traffic along Rt. 102. The primary project purpose instead appears to be to facilitate development of the 200-acre undeveloped area (a conclusion supported by the towns' statements regarding development intentions for this large 200-acre tract). Indeed, because the two towns only want to undertake this highway project if they can develop this 200-acre forested area, NHDOT and the towns have argued that to satisfy the second project purpose (i.e. promote development), they have only considered the two choices that bisect the 200-acre block (Alternatives A and B).

Our main concern, as explained earlier, is that this project's preferred alternative (Alt. A) does little to address traffic relief, and targets development of the 200-acre parcel with 50+ vernal pools without presenting a plan which limits or compensates for many of the secondary and cumulative impacts of both the road and induced development as required by the 404(b)(1) Guidelines.

Several options exist to address this issue. The first is for the Corps to make its 404 permit decision for the roadway and interchanges only after the applicant, working with the developer and the towns, provides a fair and reasonable mitigation plan to deal with the reasonably foreseeable secondary and cumulative impacts. This is preferable because the overall project impacts and mitigation could then be reviewed at the same time. Alternatively, the Corps could include, as a permit condition, a prohibition of the construction of the interchanges until some point in the future when an overall plan to address the induced development is provided. Lastly, the applicant could choose to seek a permit for a single purpose (transportation) project as in Alternative D, which would have far less induced growth impacts, and little or no additional mitigation requirements. However, we understand that this option would not serve the communities' interest in facilitating development.

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For historical context about this project, there have been several decisions made in the past that should inform current considerations on this PN. On 3/30/2011, the developer of the 200-acre parcel also wanted to address all the mitigation needs for both projects at the same time and agreed to show likely impact areas on a map (minutes from 12/11/12 from Chris Bean, CLD / Fuss and O'Neill (a current NHDOT consultant on this project)). Over a series of five months, five concept plans were produced (9/18/2012 memo from C. Bean). Plan 1 (worse case) would impact 29 VPs and fill 9.5 acres of wetlands, while Plan 5 (least impacting choice) would impact 14 VPs and 1.5 acres of wetlands (9/18/2012 memo from C. Bean). The negotiation did not proceed due to differences in the likely cost of the needed mitigation. The developer offered to buy a parcel of land in Londonderry (Mathis parcel) for \$800,000, while the estimate using the Corps mitigation method calculated an In-Lieu-Fee (ILF) payment of \$2-3 million. Currently, the developer is not involved in mitigation discussions

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As reflected in the 12/11/2012 minutes from C. Bean, both the Corps and EPA recommended that this project either: (1) build the project for traffic relief and create a limited access right-of-way along the road; or (2) build the interchange and find a way to handle the mitigation for both projects now. The memo also states that the Corps and EPA agreed that for the project to move forward, the development of the 200-acre parcel must be taken into account.

The 12/11/2012 minutes indicate that the Corps also suggested, as another option, that the towns complete the needed mitigation to compensate for the likely impacts and then charge the developer to recoup the costs once the development takes place, before allowing them access to the new highway. The Corps pointed to the Manchester Airport roadway as a similar project, with two project purposes (traffic and development) where additional up-front environmental protection was required to cover likely future impacts. While the exact acreage of impact may not be precise, it can allow us to come up with a fair and balanced mitigation plan that considers the whole development at one time and respects the ecology of VPs.

Even for other traffic projects with one project purpose, (such as proposed CT Route 11, or the Manchester Airport Access Roadway), the Corps historically has asked an applicant to look at and mitigate for all reasonably foreseeable associated development at the same time as the highway. This approach is consistent with requirements of the 404(b)(1) Guidelines for secondary and cumulative impacts.

Compensatory Mitigation

Another overall concern is that proposed compensatory mitigation for this project is incomplete and does not consider all the impacts that are required to be addressed with mitigation. The highway and the interchange will cause large direct impacts, indirect impacts, and induced growth impacts to vernal pools, forested wetlands, and streams.

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The preferred alternative is a large 5-lane highway that will greatly fragment the only remaining large forested parcel in the area, containing 50+ VPs. It will produce a large fragmentation feature across the landscape and barrier for most wildlife. We agree with the SDEIS when it concludes that new roadway and access ramps would be a barrier for the vast majority of amphibians and other wildlife (page 4-135). (In contrast, the no-build option includes residential roads, and they are assumed not to be a full barrier to amphibian movement (page 4-135)). The aquatic impacts associated with this large fragmentation effect do not appear to be addressed by the proposed mitigation plan.

Moreover, the second project purpose (development) and the roadway location and interchange will bring dense induced growth to most of this site with 50+ vernal pools. Much of this 200-acre habitat block will be greatly compromised by the dense future development, causing major impacts to wetland dependent species, especially vernal pool species. It appears that NHDOT has not considered any of the reasonably foreseeable induced growth impacts to the aquatic environment in forming the mitigation plan even though it is one of the project purposes.

As discussed above, the towns have been clear that development on this 200-acre site is a critical part of the project and the reason Alternatives C and D have been rejected. Particularly where development is part of the project purpose, all the impacts should be considered at the outset, as well as mitigation. The fact that the development will be built by a different entity does not justify splitting the impacts into two separate permit proceedings.

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Options to mitigate for these impacts could involve payments to the NH In-Lieu Fee (ILF) program, appropriate local projects, or a combination of these. We have commented through the NEPA process that all the mitigation specifics for the entire project should be included in the FEIS. However, it does not appear that the applicant has calculated the secondary impacts to VPs in this document or in the proposed ILF payment in the NH wetlands permit application. Mitigating for secondary impacts is part of the federal approach to mitigation that the Corps and EPA have used for many years. This approach is consistent with the Section 404(b)(1) Guidelines and is explained further in the Corps Mitigation Guidance (on pages 15-6, 94-95, and

Appendix L). EPA is willing to work with the applicant and the Corps to help navigate this process.

We understand that NHDOT has reservations about committing to mitigation intended to address impacts from induced growth. However, where the impacts will result from development that is part of the project purpose and is induced by the highway, we believe that the permit applicant has the obligation to provide adequate mitigation or reduce the impacts (e.g., remove interchanges).

As explained earlier, the Corps and EPA have reviewed several overall plans in the past for this development. The most recent version (2015) showed that the development would impact 1.9 acres of wetlands and eliminate 5 VPs and cause large secondary impacts to 9 additional VPs. While the impacts numbers may not be precise, a good estimate of the likely vernal pool impacts from the large commercial development could be derived. The density of the development to the total footprint should be considered and include an estimate of the percentage of natural vegetation and trees that will remain on each lot. From this, calculations of the likely impacts to VPs using the method in the Corps mitigation guidance document (http://www.nae.usace.army.mil/portals/74/docs/regulatory/Mitigation/2016_New_England_Compensatory_Mitigation_Guidance.pdf) can be attained.

Summary

We recommend that the Corps address the following:

- 1) As observed in our comments above, development is the key driver for selecting the preferred option. Before a permit could be issued, all impacts (direct, secondary, and cumulative) for both project purposes need to be fully assessed and mitigation for the impacts associated with both project purposes must be provided. EPA is available to assist in these efforts. 23
- 2) The Corps should look carefully at secondary impacts to vernal pools from the new roadway, consistent with the Corps mitigation guidance document. It does not appear that NHDOT added this to the mitigation proposal. 24
- 3) We recommend that the applicant provide additional quantification of chloride reductions that have already taken place in the watershed to establish a baseline condition and to support an evaluation of how additional future load reductions in watershed could be achieved to accommodate additional loading from the project. Without an accounting of past reductions, and projected impacts from the project and projected future growth, it is difficult to determine whether the New Hampshire water quality standard for chloride will be met in the future. EPA is willing to work with NHDOT and NHDES to help develop a strategy to address this issue. 25
- 4) The applicant should include a description of the specific actions that will be triggered should the monitoring detect any exceedances of New Hampshire water quality 26

standards. Examples include additional BMPs or modifications to existing BMPs to achieve desired levels. Additional monitoring may be required to determine the exact source(s) of increased chloride loading resulting from future development in the watershed. Given the strong nexus between the exit and connector road project and the induced development on the 216-acre Woodmont Commons project site we also recommend that the mitigation discussion be expanded to consider chloride loading from the entire project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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December 27, 2018

Jamison Sikora
Environmental Program Manager
Federal Highway Administration
53 Pleasant Street, Suite 2200
Concord, New Hampshire 03301

Keith Coda
Project Manager
New Hampshire Department of Transportation
7 Hazen Drive
Concord, New Hampshire 03302

RE: I-93 Exit 4A Supplemental Draft Environmental Impact Statement, Rockingham County,
New Hampshire (CEQ# 20180268)

Dear Mr. Sikora and Mr. Coda:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration (FHWA) and New Hampshire Department of Transportation (NHDOT) Supplemental Draft Environmental Impact Statement (SDEIS) for the I-93 Exit 4A project pursuant to our responsibilities under the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The purpose of the project is to "...reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and to promote economic vitality in the Derry-Londonderry area." The SDEIS considers the No Build Alternative and five alternative corridors for a new interchange location on I-93 and roadways connecting to the Derry-Londonderry region. The SDEIS summarizes the impacts and how effectively each alternative will catalyze development of zoned industrial land and the 216-acre Woodmont Commons East project site to the east of the I-93 corridor.

Our attached comments identify wetland, water quality and drinking water issues that should be considered during the balance of the NEPA process and project permitting, and offer suggestions regarding project design measures that could be implemented to help mitigate for direct, indirect, secondary, and cumulative impacts related to the project and the development it will support. We intend to continue to work closely with FHWA, NHDOT, the host communities and the U.S. Army Corps of Engineers to help address these issues. EPA is also submitting comments on the

project in response to the U.S. Army Corps of Engineers public notice for permitting under Section 404 of the Clean Water Act.

Effective October 22, 2018, EPA will no longer include ratings in our comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

EPA appreciates the opportunity to review this SDEIS. If you have any questions regarding our comments, please contact me at 617/918-1025 or timmermann.timothy@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Timmermann".

Timothy Timmermann, Director
Office of Environmental Review

Enclosure

Detailed Comments on the Supplemental Draft Environmental Impact Statement for the I-93 Exit 4A Project in Derry/Londonderry, New Hampshire

The comments offered in this attachment are intended to help NHDOT/FHWA to prepare a FEIS that more fully addresses indirect, secondary and cumulative impacts and appropriate mitigation related to the proposed project and the induced growth it is intended to foster. The information we request below will serve NEPA purposes and will help to better inform the Corps of Engineers Clean Water Act Section 404 permitting to follow. We intend to continue to serve as a cooperating agency to help NHDOT/FHWA address the issues raised in our comments below.

Wetlands/Aquatic Environment

Background

The project is proposed to relieve congestion in downtown Derry and to promote development of largely undeveloped land primarily through increased access. The SDEIS demonstrates that the build alternatives considered meet the transportation purpose to varying degrees, depending on which intersection and geographic area is considered. However, it also explains that the alternatives vary in their ability to promote economic (land) development, with the preferred alternative, Alternative A, providing the greatest potential for induced development and corresponding impacts to the aquatic environment.

Direct Impacts

Alternative A includes a new diamond interchange that would accommodate traffic from the east side of I-93. The new interchange and a one-mile section of new roadway (72-foot wide with four travel lanes, provisions for turning lanes, a median, and shoulders) would generally bisect and provide access to a 216-acre parcel where the Woodmont Commons East mixed-use development is proposed by a private developer. The SDEIS includes information detailing likely direct impacts of construction of the proposed exit and connector road including: fill in 4.34 acres of wetlands (this area includes 8 vernal pools), relocation of 2,281 linear feet of stream, 5 new stream crossings, and fill in 0.45 acre-feet of the 100-year floodplain.

The direct loss of vernal pool habitat and forest blocks will reduce the productivity of the remaining forest habitat for vernal pool breeding amphibians and other wildlife. The fill placed in wetlands and vernal pools will also affect hydrological functions of these areas, including flood storage, nutrient and toxicant transformation, and groundwater discharge and recharge. There will be an increase in the amount of salt, sediment, nutrients, and other pollutants in the project area due to runoff from increased impervious surfaces. Also, the 100+-foot wide clearing to establish the connector road will directly fragment wetland and upland habitat within the 216-acre development parcel, leaving smaller more isolated remnant patches of habitat. The discussion of direct impacts in the SDEIS is generally comprehensive.

Indirect Impacts

Exit 4A and Connector Road

As noted above, the proposed exit and connector road will directly fill 8 vernal pools and cause indirect impacts to other aquatic systems due to the proximity of the proposed roadway to the pools. Vernal pool experts recommend no development in the first 100 feet from the edge of a vernal pool, and less than 25% disturbance from development within 750 feet of a vernal pool for long term pool survival (Calhoun and Klemens. 2002 *Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States*, Metropolitan Conservation Alliance). Based on this analysis, if development exceeds the 25% threshold, declines in amphibian breeding populations are likely. According to the SDEIS, the connector road would be built within 100' of 5 vernal pools and would reduce the critical terrestrial habitat (the 750' zone adjacent to a vernal pool) of another 25 vernal pools.

Deforestation and proximity to a busy road will degrade or eliminate vernal pools within 100' of the road over time, while other vernal pools, slightly beyond this distance (vernal pools 5, 13, 28, 29, 44, 47, 48, 54, 63, 64) will also likely be adversely impacted. The loss of amphibians and reptiles using these pools would also adversely affect bird and mammal communities, since they are important food sources. For example, birds and small mammals eat frogs and salamanders, and many of these animals are in turn eaten by wading birds, raptors, and furbearers. These complex food chains play a critical role in transferring energy from wetlands to upland systems. While the SDEIS adequately describes the direct impacts of the construction and operation of the new I-93 Exit and connector road, it does not fully describe the indirect aquatic impacts associated with the proposed action (as partially described above).

Recommendation: The FEIS should more fully describe the indirect aquatic impacts that will result from construction and operation of the new exit and connector road. This information will be relevant for the development of appropriate project mitigation during the NEPA process and the Clean Water Act Section 404 permitting to follow. EPA is willing to work directly with NHDOT and the Army Corps of Engineers to support the development of an appropriate approach for this effort.

Induced Growth

Under the No Build Alternative, the impacts associated with the new I-93 exit and connector road would not occur and the Woodmont Commons East parcel could be developed in compliance with existing zoning to support homes on 41-70 acres of the property. The addition of Exit 4A and the connection of the Woodmont Commons East site to I-93 and the local roadway network would shift the development plan from the residential development to a mixture of development uses on 68-108 acres of the site. The indirect effects of these two development patterns will affect wetlands, streams and vernal pools in different ways due to differences in the overall coverage of the site with roads, parking, buildings, and anticipated overall clearing and grading necessary to develop the site. A comparison of anticipated aquatic impacts associated with these two development scenarios would allow for a comparison of the No Build condition to the induced growth condition intended and likely to be catalyzed by the project. This analysis is not provided in the SDEIS.

Recommendation: Because the new interchange and connector road is specifically designed and positioned to serve the planned Woodmont Commons East project (by providing direct access and frontage), we recommend that the FEIS include a complete analysis of the related environmental (aquatic) effects to complement the induced growth analysis provided in Appendix B (Land Use Scenarios Technical Report) of the SDEIS. While the timing of the development is not yet established, the development is one of the project purposes, it is a high priority for the local communities, and the magnitude of the development is generally understood based on plans submitted at the local level in support of the project. These factors lead us to recommend that the environmental effects of the induced development be analyzed before the conclusion of the NEPA process. EPA can help NHDOT/FHWA develop an appropriate methodology to perform this indirect effect analysis. The information developed from such an effort will also serve to support project permitting to follow.

Unresolved Issues and Areas of Controversy

This section of the SDEIS summarizes ongoing discussions between NHDOT, FHWA and the federal resource agencies (including EPA) regarding indirect, secondary, and cumulative impacts to wetlands, streams and vernal pools associated with the mixed-use development at Woodmont Commons enabled by the proposed new exit and connector road. At issue is the appropriate level of mitigation to fully address impacts caused by the project to the aquatic environment. The current approach described in the SDEIS limits mitigation to direct impacts (and some secondary impacts) associated with the new exit and connector road. This level of mitigation is unlikely to be sufficient for wetland permitting purposes. Therefore, after the full magnitude of impacts is identified, per our recommendations above, there will be sufficient information available to support the development of a mitigation plan to address those impacts.

Recommendation: The mitigation discussion is limited primarily on the basis that the Woodmont Commons East development is private and “therefore, mitigation costs and responsibilities should remain with the private developer.” Based on our review of the SDEIS and other project information, including project meetings with NHDOT and FHWA, it is our understanding that the Woodmont Commons East (mixed-use) project would not be possible without the new interchange and connector road. If this conclusion is not accurate we suggest that the FEIS explain how alternate access could allow for the Woodmont Commons mixed use project to proceed. Absent that explanation, the nexus between the connector road and future development remains strong--indeed, the development is one of the stated project purposes--and we continue to recommend that mitigation for the impacts to the aquatic environment from induced growth be fully described in the FEIS. NHDOT/FHWA and the host communities are identified as project proponents and should share in the responsibility for mitigation. We also recommend that the FEIS describe what responsibility those developing the Woodmont Commons East project will assume for mitigation given the private development benefits that will be facilitated by the FHWA/NHDOT and local community funded project. This mitigation information is relevant to the NEPA process and will help inform the Clean Water Act Section 404 permit process to follow.

Drinking Water Protection

According to the SDEIS there are nine (9) active public drinking water wells and eight (8) inactive wells in the project area. The active wells include seven (7) community wells in Derry, NH and two (2) community wells in Londonderry, NH. The proposed alternatives (A-D) would impact as many as seven (7) public wellhead protection areas and up to twenty-one (21) private wells depending on the alternative selected.

Derry and Londonderry are subject to the EPA Region 1 Municipal Separate NPDES Stormwater Sewer System (MS4) permits. The MS4 permits require a Chloride Reduction plan to be developed by *June 30, 2019* to minimize sources of chloride pollution for portions of the MS4 that discharge to a waterbody with a chloride TMDL. (<https://www.epa.gov/npdes-permits/new-hampshire-small-ms4-general-permit>) NHDES and NHDOT currently are implementing a Chloride TMDL for Beaver Brook. The largest threat to the quality of public drinking water in the project area watershed would be from stormwater drainage. Contaminants, mainly chloride from salt application to roadways, and potential spill contaminants, are the primary threat to public drinking water wells located in the project area.

Road-Related Impacts of Impervious Area on Wellhead Protection Areas

The new exit and connector road would increase the amount of impervious area within designated wellhead protection areas as much as 1.16 acres for Alternatives B & C and 0.22 acres for Alternatives A & D. Refer to Table 4.13-3 (Summary of Impacts on Groundwater Resources by Alternative, p. 4-143). To control the potential impacts to drinking water resources, NH DES establishes set-backs between stormwater infiltration practices and public drinking water supply wells. Refer to NH Code of Administrative Rules (Env-Wq 1508.02).

Recommendation: To ensure public drinking water resources in the project area are protected, EPA recommends that NHDOT select (and describe in the FEIS) mitigation measures consistent with NHDES's *Recommendations for Groundwater Protection Measures When Siting or Improving Roadways* (NHDES, 1995) and state established set-backs between stormwater infiltration practices and public drinking water supply wells.

Induced Growth-Related Impacts on Wellhead Protection Areas

The SDEIS does not include an estimate of impervious area and associated impacts from induced growth predicted near or within the wellhead protection areas.

Recommendation: We recommend that the FEIS include a projection of increased impervious surface resulting from secondary development for each alternative and explain potential impacts on drinking water resources and mitigation measures to address the such impacts.

Coordination with Local Public Drinking Water Systems

Coordination with local public drinking water system operators remains an important element of project design to help avoid and mitigate impacts.

Recommendation: The following public drinking water systems in the study area should be contacted for further information and to specifically seek their comment regarding the project: Barkland Acres Association in Derry (Wells No. 1 and 2), Morningside Drive in Derry (Wells No. 7 and 8), and PEU/Springwood Hills in Londonderry (Wells Nos. 16 and 17).

Chloride Loading

Background

The Exit 4A project is located within the Beaver Brook watershed, which is subject to an approved Total Maximum Daily Load (TMDL)¹ to reduce pollution due to chloride loading primarily due to de-icing activities in the watershed. The TMDL was developed as a result of exceedences in 2004 and 2005 of New Hampshire's Water Quality Standard (WQS) for chloride, specifically the criterion to protect against chronic toxicity to aquatic life. The TMDL determines the chloride loads to the watershed from various sources (state roads, municipal roads, private roads, parking lots, salt piles, water softeners, food waste and atmospheric deposition), establishes a total load that would ensure attainment of the instream chloride criteria, and allocates loads to those various sources to prevent exceedences of the acute and chronic criteria for chloride. As a result of the TMDL, NH DES has chosen to implement a chloride reduction strategy that focuses on implementing chloride reduction best management practices (BMPs).

According to the SDEIS for the Exit 4A project, the preferred Alternative A build plan will increase chloride loading to the Beaver Brook watershed by 99.45 tons per year. The Beaver Brook Total Maximum Daily Load Study (TMDL) states, "It should be noted that the load allocations in the TMDL do not include an allowance for future growth, so any future construction of additional roads or parking lots in the Beaver Brook watershed would necessitate additional load reductions elsewhere in the watershed beyond the allocations in Table 6."

Best Management Practices

The build plan for Alternative A states that best management practices (BMPs) will be applied to deicing activities for the proposed exit and connector road. However, there is no assurance that the additional chloride loading from the project will comply with the language of the approved TMDL. The project relies on the implementation of salt reduction activities that have taken place in the watershed since the TMDL was approved (April 18, 2008) to justify the additional loading capacity within the watershed. The SDEIS indicates that new loads should be offset by existing reduction plans. While we agree that NH has an effective salt reduction program, it is not clear how the BMPs implemented to reduce loads from existing sources directly address the future growth represented by the exit, connector road and induced development.

Appendix G of the SDEIS (Chloride Technical Report) states, "This additional salt load is expected to be offset by NHDOT and the Towns through development and execution of Chloride

¹ NHDES, 2008. Total Maximum Daily Load (TMDL) Study for Waterbodies in the Vicinity of the I-93 Corridor from Massachusetts to Manchester, NH: Beaver Brook in Derry and Londonderry, NH. Page 18.

Reduction Plans as required in the 2017 NH MS4. In addition, NHDOT, Derry and Londonderry plan to implement salt reducing BMPs not specified in the MS4 permit (as presented in Section 2.3) which will provide additional assurances that the Project salt load will be offset and the Beaver Brook chloride TMDL can be achieved.” While this statement provides assurance that this project will comply with the NH MS4 permit and that additional BMPs will be implemented, it does not quantify future potential reductions in salt loading to the watershed (due to the BMP approach) and whether they will create adequate capacity for the watershed to accommodate the increased salt loading without violating the NH water quality standard for chloride.

Recommendation: We recommend that the FEIS provide additional quantification of chloride reductions that have already taken place in the watershed to establish a baseline condition and to support an evaluation of how additional future load reductions in watershed could be achieved to accommodate additional loading from the project. Without an accounting of past reductions, and projected impacts from the project and projected future growth, it is difficult to determine whether the New Hampshire water quality standard for chloride will be met in the future. EPA is willing to work with NHDOT and NHDES to help develop a strategy to address this issue.

Monitoring

We support the recent commitments made by NHDOT to fund additional monitoring in the Beaver Brook watershed to be performed by NHDES at additional in-stream monitoring sites downstream of the project site.

Recommendation: We recommend that the FEIS include a description of the specific actions that will be triggered should the monitoring detect any exceedances of New Hampshire water quality standards. Examples include additional BMPs or modifications to existing BMPs to achieve desired levels. Additional monitoring may be required to determine the exact source(s) of increased chloride loading resulting from future development in the watershed.

Mitigation

The SDEIS includes an estimate of loads from induced development that will follow the construction of the exit and connector road. However, the SDEIS mitigation discussion only includes direct project chloride loading and does not include the loads from induced development in the mitigation discussion.

Recommendation: Given the strong nexus between the exit and connector road project and the induced development on the 216-acre Woodmont Commons project site we recommend that the FEIS mitigation discussion be expanded to consider chloride loading from the entire project.

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Federal Agency Responses

Federal Agencies—Responses to Comments

Comment**Number Name**

- | | |
|----|--|
| F1 | Carol A. Hauser, U.S. Postal Service Postmaster |
| F2 | Andrew L. Raddant, U.S. Department of the Interior, Office of Environmental Policy and Compliance |
| F3 | Jacqueline LeClair, Chief, Wetlands Protection Unit, U.S. Environmental Protection Agency |
| F4 | Timothy Timmermann, Director, Office of Environmental Review, U.S. Environmental Protection Agency |

F1

**Response to Comments Made by
Carol A. Hauser, U.S. Postal Service Postmaster
Derry, NH
Email received January 3, 2019**

1. Concerns related to the safety of mail delivery are noted. Construction of neighborhood cluster boxes is not currently proposed as part of this project. However, during final design the safety and efficiency of mail delivery will be a consideration in determining the details of mailbox relocations necessitated by this project. During final design of the project, mailboxes impacted by the project will be replaced with a safe breakaway mailbox system meeting NHDOT standards. General locations and placement will be coordinated with the local USPS for input. Cluster boxes can be considered.

F2

**Response to Comments Made by
Andrew L. Raddant, Regional Environmental Officer,
U.S. Department of the Interior
Office of Environmental Policy and Compliance
Letter dated January 29, 2019**

1. The Department of Interior's (DOI) concurrence that there is no prudent and feasible alternative to the proposed use of the M&L Railroad Historic District is noted.
2. The DOI's concurrence that the proposed mitigation measures should be appropriate to compensate for the adverse effect to the historic district is noted. FHWA is continuing consultation efforts with the SHPO, NHDOT, and other consulting parties to reach a final agreement on appropriate mitigation measures. A memorandum of agreement (MOA) is included in Appendix K of the FEIS. A copy of the FEIS will be provided to DOI.
3. The DEIS reference to USGS (U.S. Geological Survey). 2002. USGS. 2002 Management Habitat for Grassland Birds – A Guide for Wisconsin has been updated in the FEIS to include the corrected URL, <https://www2.usgs.gov/science/cite-view.php?cite=728>.

F3
Response to Comments Made by
Jacqueline LeClair, Chief, Wetlands Protection Unit,
U.S. Environmental Protection Agency
Region 1¹
Letter and Technical Attachment dated January 31, 2019

1. Please see the responses to Comments 5, 6, and 8 as identified in the Technical Attachment.
2. Please see the response to Comment 8 as identified in the Technical Attachment.
3. Please see the response to Comment 8 as identified in the Technical Attachment.
4. Please see the response to Comment 6 as identified in the Technical Attachment.
5. The FHWA, NHDOT, and Towns disagree with EPA's characterization that the preferred alternative would do little to meet the traffic-related portion of the purpose and need. The 2040 traffic projections show that there would be a 52% reduction in daily traffic on NH 102 just east of Exit 4 with Alternative A relative to the No-Build condition (see FEIS Appendix C, Traffic Technical Report, Table 7). Similarly, there would be an 18% reduction on NH 102 daily traffic east of Griffin Street entering the downtown area with Alternative A, with the projected volumes being lower than existing levels of traffic. The composition of this traffic should consist of trips that have an origin or destination in the downtown area as opposed to through traffic that is expected to be diverted away from downtown with the Alternative A alignment, thus improving the opportunities for appropriate economic development in the downtown area itself, consistent with local planning and the purpose and need for this project.

With respect to intersection level of service, the preferred alternative would have several notable congestion-reduction benefits along NH102 and other local roads through Derry. For example, the LOS F condition at the Exit 4 SB off-ramp at NH 102 in the PM peak hour would be improved to LOS D; the NH 102/Londonderry Rd. intersection would be improved from LOS E to LOS B in the PM peak hour; and the NH 102/ Tsienneto Rd. intersection would be improved from LOS F to LOS B in the PM peak hour. While the preferred alternative would not improve congestion to the same degree at every intersection (and would increase traffic at some intersections), overall it has a beneficial effect and meets the purpose and need for traffic improvement along NH 102, including downtown Derry.

The statement that NHDOT projects are only undertaken to improve areas with LOS F conditions is not correct. NHDOT's general level of service practice is that LOS C is desirable and LOS D is minimally acceptable.²

¹ Comment letter to U.S. Army Corps of Engineers regarding public notice on the Section 404 permit application. The responses in this section are the responses of the NHDOT, FHWA, and Towns of Derry and Londonderry prepared for NEPA purposes and are not responses by USACE. These responses are provided because of the comments' subject matter relevance to the EIS content and technical analyses (e.g. purpose and need, alternatives, environmental impacts and mitigation).

² See Figure 3.4 in

<https://www.nh.gov/dot/org/projectdevelopment/highwaydesign/designmanual/documents/HDMchapter03.pdf>

6. The FHWA, NHDOT, and Towns disagree with EPA's statement that the No Build congestion in Derry is "acceptable" if it is not at LOS F. LOS F represents a complete breakdown in traffic flow, and is not the threshold of acceptable operations. NHDOT's general design practice is to provide a LOS C for design year (desirable) or a minimum of LOS D. It is not NHDOT's practice to accept LOS E, which is a saturated flow condition that can turn to failure condition based upon traffic flow errors and simple disruptions. The No Build LOS in downtown Derry also needs to be considered in context of driver route shifts to avoid congestion. Drivers already extensively avoid NH 102 by taking other local roads (including High St., Folsom Rd. and Tsienneto Rd.), creating additional congestion impacts on roadways not designed for such through traffic volumes. There are multiple LOS F conditions along Tsienneto Rd. in the 2040 No Build that would be eliminated by the preferred alternative.

Table 7 in Appendix C of the FEIS shows that the Preferred Alternative A provides substantial relief to NH 102 and NH 28 coming into Derry in the vicinity of the I-93 interchanges as well as at four of the five ramps at Exit 4 (only the SB on-ramp from the west shows any increase) as compared to the No-Build case. Key downtown roads like Ash Street, Crystal Avenue, NH Bypass 28 and Franklin Street all see varying levels of traffic reductions with Alternative A in place. The report also notes LOS improvements at nine intersections as a result of the Preferred Alternative with two other intersections (notably the Derry Traffic Circle) are similar to the No Build Alternative. Overall, the No Build alternative would continue to funnel through traffic on NH 102 through the downtown area, which has been a disincentive to economic development efforts in the town, and, therefore, not an acceptable alternative in keeping with the combined Purpose and Need of traffic reductions and economic development in downtown Derry.

7. Derry's population, while declining slightly in the near term, is forecast to grow back slightly above 2015 levels by 2040 (see Table 5.2-1 in the FEIS). The comment regarding the Derry Industrial Development is noted.
8. The comment is correct that Alternatives C and D would not address the economic development portion of the purpose and need. Consistent with the economic development element of the purpose and need statement, the preferred alternative would encourage development of the Woodmont Commons East and Derry Industrial Development areas on the east side of I-93 and the impacts of such potential future development were evaluated in the FEIS. Any development proposed by the developers of these sites will require independent review and permitting by federal and state natural resource agencies.
9. The functions and values of the wetlands to be filled by the project have been documented in the FEIS as noted in the comment letter. We concur that the Merrimack River is an important aquatic ecosystem for New England. It is also one of the most developed, and as shown in Appendix I of the FEIS, many of the wetlands that were assessed in the project area do provide sediment, toxicant and nutrient retention functions. We also acknowledge that the 200+ acre undeveloped forested area provides habitat for upland and wetland species. There are 49 documented vernal pools in this area, approximately one-third of these are considered high value (productive) based on the USACE evaluation method.
10. Sensitive wildlife species that may be in the project area are described in Section 4.17.1 of the FEIS, and all of the species noted by the commenter are mentioned specifically. Potential impacts

to these species are discussed in Sections 4.17.2. Section 5.4.2 of the FEIS includes an evaluation of potential vernal pool buffer impacts from induced development. We recognize that constructing roads within a few hundred feet of a vernal pool has an impact and recognize could reduce its productivity over time. Coordination has occurred with the wetland permitting agencies on appropriate mitigation to address these losses (see Section 4.12.3 of the FEIS).

11. Wetland, Vernal Pool and Stream impacts were thoroughly described in Section 4 of the FEIS and further updates and refinements to these impact calculations are presented in the FEIS. Wildlife habitat impacts, including fragmentation, associated with the Project are described in Section 4.17.2. Secondary and cumulative impacts to wildlife habitats associated with the subsequent development are discussed in FEIS Section 5.4.4.
12. Impacts to vernal pools, including the vernal pool envelope and critical terrestrial habitats are quantified in Section 4.12.2. Five vernal pools are likely to be completely or nearly completely filled by the Project, and will be lost. Mitigation for both the direct pool impacts and for the additional habitat value are included in the mitigation plan per the USACE guidance. The vernal pools that are partially filled by the proposed roadwork or indirectly affected by impacts to their Critical Terrestrial Habitat (CTH) have now been evaluated to determine if the impacts result in a decrease of value following the USACE guidance for assessing vernal pool secondary impacts. Based on this assessment, five vernal pools will drop in value from high to medium or medium to low, and those indirect impacts have been added to the mitigation plan per the USACE guidance (see Section 4.12.3 of the FEIS).
13. The potential impact of the project on turtles, snakes, and wildlife in general is addressed in Section 4.16.2 of the FEIS. As noted in Section 4.16.2, the project will reduce and fragment remaining habitat, and increase the risk of road mortality for some species. We concur that impacts to amphibians will affect wildlife that prey upon them. Section 4.16.3 of the FEIS describes a parcel of land that will be conserved as mitigation. Methods to mitigate direct construction impacts to listed wildlife, including black racers and turtles, is described in Section 4.17.3 of the FEIS.
14. The baseline for chloride reductions was studied and established in the TMDL Study for Waterbodies in the Vicinity of the I-93 Corridor from Massachusetts to Manchester, NH: Beaver Brook in Derry and Londonderry, NH (NHDES 2008). The reductions in salt use from the application of various Best Management Practices are documented in the Chloride Reduction Implementation Plan for Beaver Brook, Derry, Londonderry, Auburn, Chester, NH (NHDES 2011) and, based on the Implementation Plan, The additional future loads were established in the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 Permit) (EPA 2017).

The MS4 permit has specific conditions that allow stormwater discharges of chlorides from existing and proposed state, municipal and private facilities, including new private development. While the Beaver Brook chloride TMDL states that salt loads from new sources must be offset elsewhere in the watershed to meet the specified waste load allocations, the 2017 MS4 permit specifically addresses discharges to waters subject to a chloride TMDL, including the Beaver Brook chloride TMDL, and authorizes discharges of chlorides to those watersheds from both existing and proposed sources provided that certain permit conditions are met. The MS4 permit

conditions for discharges to waters subject to a chloride TMDL (see Appendix F of the 2017 MS4 Permit) therefore support the TMDL waste load allocation goals (which are inherent to the permit) and is the provision for allowing future growth in the watershed, as discussed in Section 4.11.1 of the FEIS. While one of the permit conditions in Appendix F (2017 NH Small MS4 Permit – Appendix F part I.1.a.iii) is to provide “an estimate of the total tonnage of salt reduction expected by each activity” (i.e. salt reducing BMPs) as part of a Chloride Reduction Plan, there is no requirement to make a demonstration of how salt reducing activities will create “capacity” (through load reductions elsewhere) for new development in the watershed.

NHDOT and towns of Londonderry and Derry have filed notice(s) of intent (NOI) for the MS4 Permit and are committed to improving water quality in Beaver Brook and achieving state water quality standards. In addition, NHDOT has committed to supporting further chloride monitoring in Beaver Brook to evaluate Project effects on water quality and determine whether state water quality standards are being met in the Upper Beaver Brook watershed. If the proposed monitoring shows evidence that NH water quality standards are not being met, then NHDOT and towns of Londonderry and Derry can provide information on any innovative and effective BMPs in order to modify the NHDES Implementation plan and further reduce chloride impacts in Upper Beaver Brook watershed.

Given the regulatory context for chloride, the demonstration made in the FEIS that the Project will comply with all regulatory requirements, the commitment to implement additional salt reducing BMPs not required in the MS4 Permit, and the incorporation of water quality monitoring commitments to the Project, further quantification of load reductions due to BMPs is not necessary for impact assessment purposes and is beyond the scope of the FEIS.

15. The indirect effects analysis considers the types of effects listed in NCHRP Report 403. Encroachment-alteration indirect effects on wetlands/vernal pools and wildlife habitat are discussed along with direct impacts in Chapter 4. Induced-growth and induced-growth related environmental effects are documented in Chapter 5 and the Land Use Scenarios Technical Report (Appendix B of the FEIS). The comment is incorrect in stating that changes in the intensity of land use due to better accessibility was “not examined in the FEIS”. It is because of improved transportation accessibility to the land on the east side of I-93 that this area is the focus of the indirect effects analysis. The land use forecasting approach for this project was developed in coordination with the participating agencies and reviewed by EPA. EPA’s comments on the land use forecasting technical report were addressed.

The mitigation calculations that were included in the NHDES wetland permit application were also provided to the US Army Corps of Engineers in the 404 Individual Permit application. During a meeting on March 15, 2019, the USACE provided further guidance on calculating impacts and mitigation for vernal pools affected by road/interchange construction, including direct impacts (fill of pools) and secondary (indirect) impacts to the Critical Terrestrial Habitat surrounding each vernal pool. The FEIS impact analysis has been revised to conform with the approach agreed to at the March 15, 2019 interagency meeting and these revisions address the portions of this comment requesting additional evaluation of fragmentation impacts and indirect (encroachment-alteration or edge effects) on vernal pools. The direct vernal pool fill impacts (1.2 acres) are included with forested wetland impacts in the ARM fund calculator, and the amount for the vernal pools is \$270,766.17. An additional 5.07 acres of vernal pool indirect impacts were

added to account for the total loss of one high value and four medium value pools, following the USACE guidance. Additionally, the direct and indirect impacts to an additional five vernal pools that would lose value but still remain, required an additional 2.98 acres of impact to be added to the ARM fund calculator. The estimated total ARM fund payment for vernal pool impacts associated with the Project is approximately \$2,040,347.90.

16. The potential impacts under the No Build and Build scenarios were addressed in Chapter 5 of the FEIS. The comment notes that the design of the Woodmont Commons East development will be key in determination of impacts associated with that development. Currently, only conceptual design for Woodmont Commons East is available. The Woodmont Commons Planned Unit Development Master Plan was approved by the Town of Londonderry in 2013³; however, no additional local planning reviews have taken place for Woodmont Commons East. While the land use vision of the site is considered to be within the reasonably foreseeable future, the details of the development are uncertain. The FEIS addresses this uncertainty by presenting a range of impacts (minimum and maximum footprints). Any development of the site will require independent review, permitting and mitigation measures proposed by the developer in consultation with federal and state natural resource agencies.
17. Taking into account compensatory mitigation proposed for the project (including additional mitigation commitments for indirect effects on vernal pool quality developed between the SDEIS and FEIS) and the mitigation that would be required for separate large-scale private development, the FHWA, NHDOT, and Towns do not agree with EPA's conclusion that the preferred alternative would result in "significant degradation" of Waters of the U.S. under the 404(b)(1) Guidelines.

The factors considered in the evaluation of significant degradation are discussed below.

"Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites."

The preferred alternative does not have significant adverse effects on human health or welfare, potential impacts related to drinking water wells are addressed through the project's compliance with NHDES well head protection requirements.

"Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes"; and "Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy."

The preferred alternative would impact the aquatic life and wildlife dependent on vernal pools, as well as impact their diversity, productivity and stability). However, these impacts would be offset by compensatory mitigation (including ARM fund contributions that would help preserve or

³ http://www.londonderrynh.org/Pages/LondonderryNH_BComm/Planning/commons

restore high-value habitat), the potential preservation of an approximate 34 acres of an undeveloped property in Derry, and evaluation of the NHDES stream passage improvement program that would improve conditions for aquatic life. Therefore, the net effect of the project (considering impacts and mitigation together) is not a significant adverse effect on aquatic ecosystems. Additionally, further mitigation may occur with the potential preservation of an approximate 34 acres of an undeveloped property adjacent to existing conserved lands in Derry, and consideration of upgrading several existing culverts, to improve conditions for aquatic life, through the NHDES stream passage improvement program.

Any development of the 200-acre site will require independent review, permitting and mitigation measures proposed by the developer in consultation with federal and state natural resource agencies. Secondary and cumulative impacts to wildlife habitats associated with the subsequent development are discussed in FEIS Section 5.4.4.

18. The preferred alternative would address the traffic element of the purpose and need; see response to Comments 5 and 6. Economic development is part of the project purpose and the comment is correct that Alternatives A and B would satisfy this purpose, while Alternatives C and D would not.

Regardless of the Build Alternative selected, any induced development resulting in impacts to streams, wetlands, and vernal pools would require a Section 404 permit. As noted in Appendix L, Consideration of Woodmont Commons East Aquatic Resource Impacts and Mitigation for NEPA and Section 404 Permitting, USACE's Section 404 permitting regulations require that "All compensatory mitigation will be for significant resource losses which are specifically identifiable, reasonably likely to occur, and of importance to the human or aquatic environment. Also, all mitigation will be directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and reasonably enforceable" (33 CFR 320). Developers would have to obtain separate Section 404 permits for each individual development and demonstrate that their development proposal avoids and minimizes impacts to the extent practicable in accordance with Section 404 (b)(1) guidelines. Mitigation measures commensurate with the level of impacts to wetland resources would be developed by the private developer to compensate for unavoidable impacts to water resources. Mitigation would be in accordance with NH RSA 482-A:28 and NHDES Wetland Rules and with federal Section 404 guidelines in 40CFR (b)(1). Information regarding the potential types of mitigation measures that could be undertaken in the future by private developers (e.g. in-lieu fee payment to the Aquatic Resources Mitigation fund, permittee-responsible restoration/creation/preservation of aquatic habitat etc.) has been added to Section 5.4.2 of the FEIS, along with a discussion of the likelihood of the mitigation being implemented consistent with the guidance provided CEQ's Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (Question 19b).

19. The comment suggests the USACE delay its Section 404 permit decision until a joint mitigation plan that includes mitigation for the Woodmont Commons development is provided. The FHWA, NHDOT, and Towns disagree as explained in Appendix L of the FEIS. NEPA case law has established that mitigation outside the lead agencies control does not need to be developed in detail for the project to proceed (*Robertson v. Methow Valley Citizens Council* (409 U.S., 109 S.Ct. (1989)). Mitigation for Woodmont Commons is outside of the control of the FHWA, NHDOT, and Towns who do not have the authority to force the developer to financially

contribute to any joint mitigation proposal. Consistent with NEPA, the range of potential impacts from Woodmont Commons have been evaluated in detail based on conservative assumptions, however no specific site plan is available to enable a precise accounting of aquatic resource impacts that would be necessary to develop a reasonable compensatory mitigation plan for those impacts. The developer will be responsible for its own Section 404 permit and compensatory mitigation requirements, and it is reasonable to expect that the cost of mitigation in combination with Londonderry's site plan review process would help encourage lower-impact/environmentally-sensitive design approaches.

As an alternative to a joint mitigation plan prior to permit issuance, the comment suggests the USACE include a permit condition to prohibit construction of the intersections with the connector road until a mitigation proposal for Woodmont Commons is completed (presumably as part of a separate future Section 404 permitting review for the private development). The public hearing layout allows for up to two intersections along the connector road. The specific location and construction of these intersections will be determined at a later date through the local Londonderry site plan approval process, and will be dependent on the private developer obtaining any necessary environmental permits. In order to obtain these permits, the developer will have to demonstrate the resource agencies that there is an adequate mitigation plan in place for their impacts. Environmental impacts and mitigation are also a consideration in the Town of Londonderry's site plan review process.

Finally, the comment suggests selection of an alternative focused on transportation needs only (Alternative D); however, as acknowledged by the comment, this approach would not address the economic development aspect of the purpose and need.

20. The comment is correct that prior mitigation discussions that involved the developer did not advance due to differences over costs and that the developer is not involved in mitigation discussions currently. The developer has no definite site plan and given the high cost of mitigation, preemptively mitigating a "worst-case" site layout in advance would be wasteful and inappropriate. This supports the FHWA, NHDOT, and Towns' position that the developer must develop their own mitigation plan for impacts within their control and devote sufficient resources to mitigation to obtain their own Section 404 permit authorization.

Regarding the concept of limiting access to the connector road, please see the response to Comment 19 and Section 4.12.3 of the FEIS.

The secondary impacts memo in FEIS Appendix L explains the lead agencies' reasoning with respect to consideration and mitigation of impacts of future land development. For NEPA purposes, the range of potential impacts has been fully considered and the potential mitigation options disclosed. For Section 404 purposes, the FHWA, NHDOT, and Towns disagree with EPA's interpretation that compensatory mitigation is required for impacts related to potential future land development. Such impacts will need to be mitigated by the developer when they are sufficiently defined to request a Section 404 permit. As noted in the response to Comment 8, the FEIS includes an additional discussion of the types of mitigation measures that could be undertaken by the developers to compensate for impacts to streams, wetlands, and vernal pools on their properties.

The Town of Londonderry does not have the legal authority to extract compensatory mitigation costs from the developer, the suggestion of the Towns funding advance mitigation and recovering the cost from the developer at some future date when a specific site plan is put forth not feasible and would put the Towns at significant financial risk. For example, no development proposal may move forward for several years, and the ultimate form of the development could be different from what is currently contemplated.

The comment incorrectly suggests the Manchester Airport Access Road FEIS was a precedent for upfront mitigation of likely future impacts of land development outside the lead agency's control. The Manchester Airport Access Road project included a compensatory mitigation package that focused on land preservation.⁴ However, the mitigation was for the direct and physical secondary impacts (e.g. forest fragmentation and edge effects) of the project. There was no explicit funding of advance mitigation covering future land development by others (e.g. advance mitigation of private development impacts). Development projects in the Manchester Airport Access Road corridor were required to obtain their own separate Section 404 permits and demonstrate wetlands avoidance/minimization/mitigation, as appropriate. This point is reinforced by reviewing the responses to EPA comments on the Manchester Airport Access Road FEIS, which make it clear that private development impacts are not being mitigated by the public agencies.

“We (FHWA and NHDOT) as public agencies, should not provide the appropriate mitigation for these private developments. This would represent a misuse of public transportation funds and thus will not be financed as part of this project. If EPA finds that any element of the future industrial and commercial development is contrary to federal law, they should prevent its construction under current environmental regulations or require appropriate mitigation from the private developers.”

FHWA and NHDOT maintain the same position on this issue for the Exit 4A project, public funds should not be used to finance mitigation for private development.

With regard to Connecticut Route 11, in 2016 the FHWA published a Notice of Intent (NOI) to rescind the NOI to prepare an EIS for the project. The FEIS for the CT Route 11 project included an evaluation of potential induced land development that could result from the project and the potential environmental impacts associated with that development. Potential mitigation measures (such as local land use controls) that could reduce impacts of future development were also discussed. However, there was no commitment by the lead agencies to actually implement mitigation for potential future land development. The *Mitigation and Compensation Framework* (CT Route 11 FEIS Appendix C) makes no reference to mitigation of future land development impacts. The discussion of indirect effects mitigation in the appendix is based on the UMASS CAPS model, which is relevant to the edge effects of the roadway, not induced growth.

21. As described in the FEIS Section 4.16.1, the 200-acre parcel with 49 documented vernal pools, which the Connector Road passes through is not the only remaining large forested parcel in the

⁴ It should be noted that preservation was common mitigation approach at the time the Manchester Airport Access Road was developed, but that subsequent Section 404 mitigation policy changes (2008 Final Rule) have changed the mitigation hierarchy. Permittee-responsible preservation without restoration/enhancement is no longer the preferred mitigation strategy—the mitigation hierarchy is 1) mitigation banks, 2) in-lieu fee programs, and 3) permittee-responsible mitigation.

area; some of the other undeveloped blocks in Derry and Londonderry are considerably larger than 200 acres. However, fragmentation impacts associated with the Project have been acknowledged. Mitigation has been calculated based on Exit 4A impacts to jurisdictional resources and entered into the NHDES ARM fund calculator. Impact avoidance and minimization measures as described in Section 4.17.3 of the FEIS, including sweeps and fencing of construction areas and material storage areas and the use of wildlife-friendly erosion control materials, will be implemented during construction activities. Appropriate compensatory mitigation for any subsequent development of the areas adjacent to the Project would be determined through coordination with state and federal agencies by the developer during the permitting process.

22. The mitigation calculations for the Exit 4A project that were provided in the initial conceptual state and federal permit application materials have been updated based on clarification from the USACE of their vernal pool guidance. With regard to encroachment or alteration effects, in addition to the direct VP impacts, which are included with forested wetland impacts in the ARM fund calculator, the required mitigation quantity for total loss of five vernal pools based on low, medium or high value were added to the ARM fund calculator. In addition, indirect impacts were quantified following the USACE guidance and also added to the ARM fund calculator (see response 15).

In the FEIS, the potential impacts associated with a range of development intensity, through minimum and maximum footprints under the build and no build scenarios, have been evaluated; however, any future development would be based on what the market could support, what the Towns would approve, and what impacts would be permitted. As noted in the response to Comment 8, any future development of the 200+-acre parcel would require a Section 404 permit prior to impacting any wetlands or vernal pools on the property and any mitigation measures approved by the U.S. Army Corps of Engineers will compensate for unavoidable impacts to wetland resources.

23. Transportation issues are also an element of the purpose and need, the project purpose is not solely economic development (see responses to Comments 5 and 6 addressing EPA's comments on the traffic performance of the preferred alternative). Impacts have been "fully assessed" in the FEIS. Mitigation for direct, indirect and cumulative impacts has been discussed in compliance with NEPA. Implementation of mitigation for private development is not part of the project, private developers will be required to obtain their own Section 404 permits and develop appropriate mitigation in order to obtain their permits, see responses to Comments 19 and 20.
24. The in-lieu fee mitigation calculations are included in updates to the NHDES wetland permit application and to the US Army Corps of Engineers' 404 Individual Permit application. As noted in the response to Comment 15, the vernal pool mitigation calculations have been updated to include secondary impacts to vernal pools consistent with the approach agreed to by NHDOT, FHWA, the Towns of Derry and Londonderry, EPA, and USACE at the 3/15/2019 interagency meeting.
25. Please see response to Comment 14.
26. NHDOT is committed to providing funds for NHDES to modify and expand the in-stream chloride monitoring program in the Upper Beaver Brook watershed as proposed in a NHDES

memo dated November 30, 2018 titled “Revised I93 TMDL Implementation Monitoring Plan.” Pending the issuance of a Record of Decision and appropriation of funds, NHDOT will support this expanded monitoring effort during construction and for a period of three years post-construction to establish current water quality conditions and document any Project effects on water quality during construction and operation of the Project.

NHDOT and the Towns are willing to consult with NHDES and EPA on appropriate next steps including corrective actions to address any exceedances of state water quality standards that may be documented by the NHDES monitoring program. Notification of EPA, additional BMPs or changes to existing BMPs, as well as additional monitoring may be appropriate depending on the nature of the water quality standards exceedance. It is expected that any corrective actions to address water quality standards exceedances (due to any source) that deviate from the Chloride Reduction Implementation Plan for Beaver Brook, Derry, Londonderry, Auburn, Chester, NH (NHDES 2011) would necessarily require NHDES to modify and update the implementation plan as this document is the primary means of supporting achievement of the Beaver Brook chloride TMDL.

Potential indirect and cumulative impacts with respect to chloride loadings are discussed in Chapter 5 of the FEIS, including quantification of the potential chloride loading from Woodmont Commons.

F4

**Response to Comments Made by
Timothy Timmermann, Director, Office of Environmental Review,
U.S. Environmental Protection Agency
Region 1
Letter and Enclosure dated December 27, 2018**

1. The comment states all the Build alternatives would meet the transportation need for the project, this is not correct. Alternative F (NH 102 upgrade) would not meet the transportation need for the project because it would increase traffic through downtown Derry and this point has been clarified in Section 3.7.2 of the FEIS.

Alternative A and B are considered to have the same potential for induced development as discussed in Chapter 5. Alternative A does not have the greatest impacts to the aquatic environment. In terms of direct impacts, the impacts of Alternative B and C are greater than Alternative A. Wetland edge effect impacts, though not measured for Alternatives B and C, would also be greater than for Alternative A, as these impacts extend out from direct wetland impacts, which are greater for Alternatives B and C. Alternative B impacts a greater number of vernal pool envelopes and critical terrestrial habitat than Alternative A, although direct vernal pool fill may be less. Alternative C has less direct and secondary vernal pool impacts than either Alternative A or B. In terms of indirect and cumulative impacts, of the alternatives that meet the purpose and need, Alternatives A and B could result in a similar potential for induced growth-related impacts; however, Alternative B is anticipated to result in greater cumulative impacts to aquatic resources.

2. The comment summarizing the direct impacts associated with Alternative A is noted.
3. Direct and indirect impacts to vernal pools and the 100-foot and 750-foot vernal pool buffers were re-quantified based on recent design updates (to address other comments) and for

consistency with the 2016 USACE guidance for vernal pool mitigation as clarified by USACE in a meeting on March 15, 2019 and confirmed by phone on March 19, 2019. Section 4.12.2 of the FEIS and the state and federal wetland permit applications have been updated accordingly. Vernal pool mitigation now addresses direct fill impact areas, loss of vernal pool habitat function for lost pools, and value loss for partially or indirectly impacted pools. ARM fund quantities have also been re-calculated for corrected stream channel and bank impacts. The USEPA has confirmed that ARM fund calculations for wetlands, including indirect “edge effects” has been accurately calculated. Additional qualitative descriptions of indirect aquatic impacts associated with the project, including those noted in the comment letter, has been added to Section 5.4.2 of the FEIS.

4. The comment incorrectly states that a comparison between the impacts of potential future private development between the No Build and Build scenarios was not provided in the FEIS. Indirect effects and cumulative impacts to aquatic resources were quantified for the No Build Condition and the project; refer to Tables 5.4-2, 5.4-5, 5.4-8 and 5.4-11. The analysis involved of “footprints” for a range of future development scenarios and analyzing how these footprints could impact wetlands, streams and vernal pools. The impact analysis builds on and is consistent with the future land development scenarios produced for the Land Use Scenarios Technical Report that was reviewed and found acceptable by EPA through the interagency coordination process.
5. The comment asserts a full impact assessment has not been provided, the lead agencies disagree. As discussed in response to Comment F4-4, the “full range” of impacts to aquatic resources have been identified.

The nexus between the proposed project and the future development was thoroughly documented in the SDEIS and associated Land Use Scenarios Technical Report (which EPA was given an opportunity to review and comment on as a participating agency). FEIS Table 5.2-5 provides a summary of the indirect land use effects of the Preferred Alternative, showing the incremental development attributable to the project. Based on the Land Use Scenarios Technical Report, development of Woodmont East at a much lower scale (primarily residential) is assumed under the 2040 No Build condition. The new interchange and connector road would potentially enable larger-scale commercial and institutional land uses on the site.

With respect to compensatory mitigation, the lead agencies maintain the position articulated in the SDEIS that the private developer is fully responsible for the impacts of their development and the basis for this position is documented in detail in FEIS Appendix L: Consideration of Woodmont Commons East Aquatic Resource Impacts and Mitigation for NEPA and Section 404 Permitting. The FEIS discusses the types of mitigation that could be undertaken by future private development (consistent with NEPA requirements to disclose potential mitigation outside the control of the lead agencies) and the likelihood the mitigation being implemented. This future mitigation by the private developer is under the control of the regulatory agencies and is outside the control of the transportation agencies. The private developer would need to obtain their own permits and environmental approvals, and as part of this permitting process would need to provide adequate compensatory mitigation under Section 404 and NHDES wetland rules. The comment asserts a full impact assessment has not been provided, the lead agencies disagree. As

discussed in response to Comment F4-4, the “full range” of impacts to aquatic resources have been identified.

6. Comment noted.
7. The FEIS has been updated to include specific mitigation measures for Project impacts on wellhead protection areas and private wells. Impacts are determined based on proximity criteria as defined in NHDES rules associated with Wellhead Protection Areas and sanitary protective radius for public water systems and NHDES rules associated with private well siting. Mitigation measures will conform with NHDES rules and will be consistent with NHDES’ document “Recommendations for Implementing Groundwater Protection Measures when Siting or Improving Roadways.”
8. A projection of increased impervious area resulting from secondary development and impacts on drinking water wells is beyond the scope of this EIS study; however, all future development will be subject to the regulatory requirements and NHDES rules associated with well setbacks and wellhead protection areas as discussed in the FEIS.
9. Per discussion with EPA on 10/24/2019, a commitment has been added to the FEIS for NHDOT to contact the three private drinking water supply wells during the final design process.
10. The FEIS presents sufficient detail on the chloride loading to the Beaver Brook watershed and chloride load reduction mitigation measures to demonstrate that a “hard look” at the issue of chloride and consistency with the TMDL was undertaken in compliance with NEPA. Information on baseline condition chloride loading was previously documented in the TMDL Study, and reductions in loading due to BMPs were documented in the Chloride Reduction Implementation Plan (all documents incorporated by reference in the FEIS). The FEIS identifies chloride loading impacts and mitigation, including Town commitments to encourage and/or require Green Sno Pro requirements for certain developments and in-stream chloride monitoring, among other mitigation measures. Chloride-related regulatory issues were discussed during an interagency conference call with EPA, NHDES, NHDOT, FHWA and the Town of Derry on 10/24/2019. NHDES, NHDOT, FHWA and the Town of Derry agreed that compliance with anti-degradation requirements will be addressed during the ACOE 404 permitting process (specifically the 401(c) Water Quality Certification required from NHDES) to ensure that anti-degradation requirements are met.
11. NHDOT and the Towns of Londonderry and Derry will provide funds to NHDES to continue to conduct in-stream chloride monitoring in the Upper Beaver Brook watershed for a period of five years. Data will be collected in accordance to the Total Maximum Daily Loads for Chlorides for Waterbodies in the Vicinity of the I-93 Corridor from Massachusetts to Manchester, NH Quality Assurance Project Plan (June 2006) to monitor water quality conditions during construction and operation of the Project. NHDOT and the Towns will continue to consult with NHDES and EPA to address exceedances of state water quality standards and assist in any updates to Chloride Reduction Implementation Plan for Beaver Brook, Derry, Londonderry, Auburn, Chester, NH (NHDES 2011).

12. The chloride impacts from indirect effects and cumulative impacts are discussed in Section 5.4.3 of the FEIS.

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State Agencies/State Elected Officials

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State/Local Agency Comments

ORIGINAL TO K. COFA
P. STAMMAS ✓
B. CASS

Senator Jim Rausch
65 Gulf Road
Derry, NH 03038

RECEIVED
COMMISSIONERS OFFICE
DEC 03 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Chairman of the Special Committee;

I am writing this letter in support of the exit 4A project which includes the new I-93 interchange, new road construction and road improvements extending to NH 102.

1

After more than two decades of planning, multiple hearings including Executive Council hearings, there has been established a need for an additional exit in Derry. It will relieve congestion in the downtown of Derry and allow critical access to I-93 from our eastern communities.

The Commissioner of transportation Chris Clements publically committed the DOT to assume control of the project and bring it to fruition. Governor Hassan committed, as part of the ten year plan, to make exit 4A a high priority and accelerated it in conjunction with the widening of I-93.

The communities of Derry and Londonderry are committed to funding Five million dollars each for the project. I sponsored legislation that increased the gas tax by 4.2 cents and dedicated 200 hundred million to the I-93 project with an additional 50 million of bonded funding in the ten year highway plan. The DOT made a commitment that the total of 250 million was sufficient to complete both the widening of I-93 and the entire exit 4A project.

I retired from the Senate in 2014 with the clear understanding that exit 4A would be completed by 2022. I hope this Committee and the DOT live up to that commitment for the betterment of our communities, the state, and the economic development that will result.

Respectfully,



Senator Jim Rausch



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

January 4, 2019

Mr. Jamison Sikora
 Environmental Program Manager
 Federal Highway Administration
 53 Pleasant Street, Suite 2200
 Concord, NH 03301

Mr. Peter Stamnas
 Director of Project Development
 NH Department of Transportation
 7 Hazen Drive
 Concord, NH 03302

**RE: NHDES Comments – I-93, Exit 4A Supplemental Draft Environmental Impact Statement
 – Derry/Londonderry (Federal # IM-0931 [201], State # 13065)**

Messrs. Sikora and Stamnas:

The New Hampshire Department of Environmental Services (NHDES) has completed its review of the subject document. The results of the review are enclosed.

The program areas investigated during this review included air quality, petroleum fuel storage, a review of possible contaminated sites, storm water management, potential shoreland and wetland impacts, as well as groundwater and surface water protection. As a result of these reviews, NHDES consolidated its comments to address potential impacts to air quality, surface water and groundwater, management of de-icing chemicals in the Beaver Brook watershed and its environs, wellhead protection, storm water management and wetland impacts, including proposed stream crossings, re-alignment, vernal pools and mitigation for unavoidable impacts.

NHDES would like to thank you for the opportunity to comment on the subject document. It is our intent to continue to serve as a partner in your effort to improve the transportation infrastructure in concert with the environmental features and resources associated with the project. If there are questions, please contact me as necessary. My direct telephone number is (603) 271-3306 and my email address is Timothy.Drew@des.nh.gov.

Sincerely,

Timothy W. Drew
 Administrator
 Public Information & Permitting
 Office of the Commissioner

Enc.
 Cc: Robert R. Scott, Commissioner, NHDES
 Clark Freise, Assistant Commissioner, NHDES
 The NHDES NEPA Review Team

**I-93 EXIT 4A DOCUMENT REVIEW COMMENT & RESPONSE FORM
WITH INSTRUCTIONS**

I-93 Exit 4A EIS				QA Reviewer: _____	Date: _____
Title of Document	Type of Document	Version of Document/File Name	Date Released for Review	Comments:	
October 2018 Supplemental Draft Environmental Impact Statement	Memorandum	Oct 2018 http://www.i93exit4a.com/documents.html	November 16, 2018		
Name and Affiliation of Document Author & Contact Information	Timothy W. Drew, Administrator, Public Information & Permitting. New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03302-0095 Tel.: 603-271-3306; Email: timothy.drew@des.nh.gov	212.612,7942; ltidd@louisberger.com			
Name and Initials of Reviewer(s) & Agency Represented	Pierce Rigrod (PR), Gregg Comstock (GC), Timothy White (TW); Gino Infascelli (GI);				
Date of Request	November 16, 2018	COMMENTS DUE BY	January 4, 2019	<input type="checkbox"/> Pass	<input type="checkbox"/> Resubmit

No.	Chapter	Resource Section	Page*	Exhibit No.	Priority **	Reviewer Comment	Reviewer Initials	Author Response	Status Code***	Responder Initials	QC Back-check	QA Check
1	4	Affected Env and Env Consequences	4-97 and 4-98		3	The report notes, "The application must demonstrate that the project as proposed will not cause exceedances of NH Water Quality Standards (Env-Wq 1700)." The text should clarify what parameters are estimated and whether other parameters associated with paved runoff may be an issue (VOCs, etc.), but are not modeled or measured. Alteration of Terrain Program is generally described but nowhere are the regulations that apply to "Groundwater Protection Areas" defined in AoT noted, summarized or indicated as to their relevance to the design of the project.	PR					
2	4	Affected Env and Env Consequences	4-145			The chloride reduction plans go into great detail about the BMPs that may be used to mitigate salt impacts on surface water. Given surface water recharges groundwater and may affect public water supplies, the current chloride levels in groundwater and/or public water supply wells which may be affected by various alternatives should be summarized by well or area analysis of groundwater sample available from NHDES,	PR					

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						USGS or other sources. The narrative should review groundwater/PWS compliance data, state whether public/private wells or areas groundwater have or do not have elevated levels (above ambient levels), the likelihood of additional increases of NaCl and how the design or practices could/will be used to minimize further NaCl increases in wells.						
3	4	Affected Env and Env Consequences	4-139		3	Text states, "A WHPA is the surface and subsurface area surrounding a public water supply well from which water and contaminants are likely to reach the well. The WHPA for individual wells vary in radius from 1,300 feet to 4,000 feet, depending on the maximum daily amount of water withdrawn from the well." Please cite the NHDES well siting administrative rule associated with the 1,300 to 4,000-foot radius.	PR					
4		Affected Env and Env Consequences; 4.13.3 Mitigation	4-145		2	The <i>Recommendations for Groundwater Protection Measures When Siting or Improving Roadways</i> and how the design will be altered, if at all, is not discussed in relation to current public/private wells. What "levels" of protection will apply and where (which wells/WHPAs)? Given additional surface water runoff will increase infiltration of NaCl near certain public and private wells, the report should articulate the approach in final design and operational practices to avoid (redirect) infiltration to minimize impacts within specific areas, how and what BMPs are likely to be used given well depth, surface flow, and other site considerations. BMPs in the GW Recommendations are based on distance to the wells (e.g., lined swales) and well type (community vs. non-community, non-transient) per the recommendations. It should be noted where the recommendations will apply (based on distance, well type) and how the GWP recommendations will be integrated with other planned chloride reduction BMPs. Salt impacts and possible well replacement and/or relocation should be discussed in detail, as applicable.	PR					

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5	4	4.13 Groundwater	4-143	4.13-2	4	Public and private well locations listed in the report should be provided on a map with an indicated distance to the edge of the project construction/paved area and any planned or likely stormwater infiltration practice.	PR					
6	4	4.11 Surface Waters and Water Quality			3	While it is unlikely the project will have any significant indirect impact on water quality in the Merrimack River, the authors should be aware of a new well collector system that will be installed in southern Hooksett as a new source of drinking water for the City of Manchester.	PR					
7		Groundwater	4-142		3	NHDES' reported number of private wells is likely an under count, since many private wells are not accounted for in GIS. Field work, tax or billing information from public water systems should improve the estimate of how many wells will be affected. There may be direct impacts to private wells unless there is more detailed work to confirm all private well locations.	PR					
8		Groundwater	4-144		3	There is no summary of existing PWS compliance monitoring for NaCl available from NHDES or any data compiled in the project area relating to trends or current groundwater levels for sodium or chloride. Baseline data for PWSs would indicate the margin between current NaCl in groundwater now used by PWSs vs. the SMCL of 250 mg/L.	PR					
9		Groundwater	4-144		4	<i>"Roadway and intersection improvements on existing alignment would result in 0.22 acre of new impervious area within four WHPAs (Barkland Acres, wells 1 and 2, and Morningside Drive, wells 7 and 8)."</i> It's not clear which WHPAs receive most of the 0.22 acre of impervious surface area or the distance from impervious surface/work to PWS/private wells. Mapping of impervious areas in relation to WHPAs/wells using well locational points would help characterize proximity of stormwater impacts in	PR					

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						relation to wells. Data security issues can be discussed with NHDES staff as necessary. Total population served by public and private wells located within the project area is not estimated.						
10	3	Alternative s Analysis		Table 3.7.1	4	Private well numbers affected should be footnoted under the table that the numbers are not verified or based on field work and are based on the NHDES inventory.	PR					
11	4	4.11.3 Mitigation	4-120	4.11-12	4	“These actions also satisfy the salt reduction activities listed in Appendix F of the MS4 permit and therefore would likely be included as core components of the required chloride reduction plans for NHDOT and the Towns and would likely be extended to any future actions requiring chloride mitigation, including the proposed Exit 4A Project.” There is no statement of financial burden related to the chloride BMPs in table 4.11-12 and whether or not funding is or will be allocated over time to fully implement them at the state or local level.	PR					
12	4	4.13.2	4-143		3	“Groundwater impacts can arise from infiltration of contaminated runoff from the road surface, spills of hazardous materials , and application of roadway de-icing salt.” How generally will spills be addressed in the design? NHDES does not see any discussion of the design or practices to address this in Mitigation.	PR					
13	Executive Summary	Surface Waters and Water Quality	ES-20 & ES 21	ES.3.10	3	The following is stated: “The MS4 permit has additional requirements that, for new or increased discharges to impaired waters, no net increase of pollutant(s) for which the waterbody is impaired would occur. The permittee may demonstrate compliance with this permit condition by documenting that the pollutant(s) for which the waterbody is impaired are not present in the MS4’s discharge or by documenting that the total load of the pollutant(s) of concern from the MS4 to the impaired water body would not increase as a result of	GC					

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						the activity.” NHDES recommends that the SDEIS acknowledge that to satisfy the anti-degradation regulations included in State surface water quality standards (Env-Wq 1700), the Section 401 Water Quality Certification will likely include a condition to conduct a pollutant loading analysis that will demonstrate no additional loading to waters that are not impaired, as well as to waters that are impaired						
14	4	4.11.1 Affected Environment	4-93 & 4-94	4.11.1	3	We recommend that the following paragraph be revised as shown below. The paragraph as stated in the SDEIS is not consistent with state law and regulations. “ Surface waters of the state are classified as Class A or Class B, pursuant to NH RSA 485-A:8, I-III, Water Pollution and Waste Disposal. Class A waters have the highest quality designation, and are required to stay below certain threshold values with regard to bacteria (<i>Escherichia coli</i>), and prohibit discharges of sewage or wastes are not allowed. Class A waters and are considered potentially acceptable for use as water supply after adequate treatment. Class B waters are the second highest quality designation and shall have no objectionable characteristics. Discharges of sewage or waste are allowed in Class B waters provided they are adequately treated. Class B waters are considered as being acceptable for fishing, swimming and other recreational purposes and , after adequate treatment, for use as water supplies. and are required to meet less stringent bacteriological criteria, as well as several other biological, physical, and chemical criteria. By default, all surface waters in New Hampshire are designated as Class B. New Hampshire’s Administrative Rules Env-Wq 1700 provide thresholds narrative and numeric criteria for pollutants, dissolved oxygen (DO), color, temperature, and other criteria parameters that must be met for Class A and Class B waters.”	GC					
15	4	4.11.1	4-94		3	We recommend that the following paragraph be revised as shown below. The paragraph as stated in the SDEIS is	GC					

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		Affected Environment				not consistent with state law and regulations. "New Hampshire's process for assessing surface water quality is detailed in the "Consolidated Assessment and Listing Methodology" that interprets New Hampshire's Surface Water Quality Regulations (Env-Wq 1702.17 1700). <i>Env-Wq 1702.17</i> and identifies <i>the</i> "designated uses" for <i>that</i> New Hampshire surface waters <i>should support</i> , defined as "the uses that a waterbody should support" (NHDES, 2017b). Table 4.11-1 lists designated uses."																																
16	4	4.11.1 Affected Environment	4-95	Table 4.11-1	3	<p>NHDES recommends that Table 4.11-1 (below) be revised as follows to better reflect designated use definitions found in Env-Wq 1702.17. The table as presented in the SDEIS is not consistent with state regulations.</p> <p>Table 4.11-1. Designated Uses for New Hampshire Non-Tidal Surface Waters from Env-Wq 1702.17</p> <table border="1"> <thead> <tr> <th>Designated Use</th> <th>NHDES Definition</th> <th>Applicable Surface Waters</th> </tr> </thead> <tbody> <tr> <td>Aquatic Life Integrity</td> <td>The surface waters that can support aquatic life, including a balanced, integrated, and adaptive community of organisms have a species composition, diversity, and functional organization comparable to that of similar natural habitats of the region, provide suitable chemical and physical conditions for supporting a balanced, integrated and adaptive community of aquatic organisms.</td> <td>All surface waters</td> </tr> <tr> <td>Fish Consumption</td> <td>The surface waters that can support a population of fish free from toxicants and pathogens contamination at levels that could pose a human health risk to consumers.</td> <td>All surface waters</td> </tr> <tr> <td>Shellfish Consumption</td> <td>The tidal surface waters that can support a population of shellfish free from toxicants and pathogens that could pose a human health risk to consumers.</td> <td>All tidal surface waters</td> </tr> <tr> <td>Potential Drinking Water Supply After Adequate Treatment</td> <td>The surface waters that could be suitable for human intake and meet state and federal drinking water requirements after with adequate treatment will be suitable for human intake and meet state/federal drinking water regulations.</td> <td>All surface waters</td> </tr> <tr> <td>Swimming and Other Recreation in and on the Water¹</td> <td>Surface waters that are suitable for swimming, wading, boating of all types, fishing, surfing and similar activities.</td> <td>All surface waters</td> </tr> <tr> <td>Primary-Contact Recreation (i.e., swimming)</td> <td>Waters that support recreational uses that involve minor contact with the water.</td> <td>All surface waters</td> </tr> <tr> <td>Secondary-Contact Recreation</td> <td>Waters that support recreational uses that involve minor contact with the water.</td> <td>All surface waters</td> </tr> <tr> <td>Wildlife</td> <td>The surface waters that can provide habitat capable of supporting any life stage or activity of undomesticated fauna on a regular or periodic basis, suitable physical and chemical conditions in the water and the riparian corridor to support wildlife as well as aquatic life.</td> <td>All surface waters</td> </tr> </tbody> </table> <p>1. For assessment purposes, the designated use of "Swimming and Other Recreation in and on the Water" is split into the following two designated uses because of differences in assessment criteria:</p> <ol style="list-style-type: none"> Primary Contact Recreation (i.e., swimming) which are waters suitable for recreational uses that require or are likely to result in full body contact and/or incidental ingestion of water. Secondary Contact Recreation which are waters that support recreational uses that involve minor contact with the water. 	Designated Use	NHDES Definition	Applicable Surface Waters	Aquatic Life Integrity	The surface waters that can support aquatic life, including a balanced, integrated, and adaptive community of organisms have a species composition, diversity, and functional organization comparable to that of similar natural habitats of the region, provide suitable chemical and physical conditions for supporting a balanced, integrated and adaptive community of aquatic organisms.	All surface waters	Fish Consumption	The surface waters that can support a population of fish free from toxicants and pathogens contamination at levels that could pose a human health risk to consumers.	All surface waters	Shellfish Consumption	The tidal surface waters that can support a population of shellfish free from toxicants and pathogens that could pose a human health risk to consumers.	All tidal surface waters	Potential Drinking Water Supply After Adequate Treatment	The surface waters that could be suitable for human intake and meet state and federal drinking water requirements after with adequate treatment will be suitable for human intake and meet state/federal drinking water regulations.	All surface waters	Swimming and Other Recreation in and on the Water ¹	Surface waters that are suitable for swimming, wading, boating of all types, fishing, surfing and similar activities.	All surface waters	Primary-Contact Recreation (i.e., swimming)	Waters that support recreational uses that involve minor contact with the water.	All surface waters	Secondary-Contact Recreation	Waters that support recreational uses that involve minor contact with the water.	All surface waters	Wildlife	The surface waters that can provide habitat capable of supporting any life stage or activity of undomesticated fauna on a regular or periodic basis, suitable physical and chemical conditions in the water and the riparian corridor to support wildlife as well as aquatic life.	All surface waters	GC				
Designated Use	NHDES Definition	Applicable Surface Waters																																				
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17	4	4.11.1 Affected Environment	4-95		3	<p>NHDES recommends that the following paragraph be revised as shown below. The paragraph as stated in the SDEIS does not accurately reflect the assessment methodology.</p> <p>Designated uses are assessed in the Consolidated Assessment and Listing Methodology using a 1–5 TMDL Priority scale, with 1 indicating that all designated uses are attained, and 5 indicating that one or more uses is impaired and a TMDL is required. A score of 4 or 5 indicates that the As discussed in the Consolidated Assessment and Listing Methodology, each Assessment Unit (AU, the waterbody or stream segment used for recording assessments) is assessed and placed in one of seven assessment categories. Categories 4A, 4B, 4C and 5 represent AUs with one or more designated uses that are considered impaired. Definitions for each of these four impairment categories are provided below: impaired for one or more designated uses, as defined in the Consolidated Assessment and Listing Methodology</p>	GC					
18	4		4-101	Table 4.11-2	3	<p>Impaired Waters in the Exit 4A Project Area</p> <p>NHDES recommends that Table 4.11-2 “NHDES-Listed Impaired Waters in the Study Area” be revised as follows to more accurately reflect impairment status:</p> <p><input checked="" type="checkbox"/> Change the heading for the 6th column from “TMDL PC” to “Assessment Category”.</p> <p><input checked="" type="checkbox"/> For NHLAK700061203-03-01/02 (Hoods Pond), add “Statewide Bacteria TMDL approved in 2010” in the shaded cell that indicates that Hoods Pond has a phosphorus TMDL.</p> <p><input checked="" type="checkbox"/> For NHRIV700061203-16 (Beaver Brook), add Iron to the list of impairments and show that it is in assessment</p>	GC					

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						category 4B. <input checked="" type="checkbox"/> Delete note a "TMDL Priority Scale". <input checked="" type="checkbox"/> Add a note indicating that waters impaired by bacteria impair the primary contact recreation designated use. <input checked="" type="checkbox"/> Add a note indicating that any impaired waterbody with an approved TMDL is in assessment category 4A.						
19	4	4.11.2 Environmental Consequences	4-112		3	This section suggests that total suspended solids (TSS), total phosphorus (TP) and total nitrogen (TN) are the only pollutants of concern associated with land alteration. We recommend that the SDEIS acknowledge that there are other pollutants of concern, such as copper, zinc, lead and SVOCs. We recommend that the SDEIS also acknowledge that one of the reasons why pollutant loading analyses typically focus on TSS, TP and TN is because data needed to model changes in pollutant load due to changes in land use (i.e., nutrient export coefficients, BMP pollutant removal rates etc.) is more established for TSS, TP and TN than for the other pollutants. The pollutant loading analysis assumes that TSS, TP and TN are surrogates for the other pollutants and that loading reductions for these three pollutants will also result in loading reductions for other pollutants that may be present.	GC					
20	4	4.11.2 Environmental Consequences	4-113		4	The following is stated: "The 2017 NH MS4 permit has requirements for storm water treatment based on the total post-construction impervious area that are presented in Section 4.11.2." It appears that Section 4.11.2 should be changed to 4.11.3?	GC					
21	4	4.11.2 Environmental Consequences	4-114	Table 4.11-8 and Table 4.11-9	4	The title of Table 4.11-8 is "Post-Construction Total Nitrogen Load by Alternative," yet each row in the first column labeled "Source," refers to the Total Phosphorus load. Similarly, the title of Table 4.11-9 is "Post-Construction Total Suspended Solids Load by Alternative," yet each row in the first column labeled "Source", refers to the Total Phosphorus load. This	GC					

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No.	Chapter	Resource Section	Page*	Exhibit No.	Priority**	Reviewer Comment	Reviewer Initials	Author Response	Status Code***	Responder Initials	QC Back-check	QA Check
						should be corrected.						
22	4	4.11.3 Mitigation	4-115	4.11.3	3	Please see NHDES' comment above (by GC) for p. ES-20 and ES-21 (under Executive Summary) regarding the likely need to conduct a pollutant loading analysis for 401 Water Quality Certification to demonstrate compliance with anti-degradation requirements of Env-Wq 1700.	GC					
23	4	4.11.3 Mitigation	4-121		4	Chloride The section discusses the Towns' and NHDOT's commitment to support chloride monitoring at 09-BVR and 10A-BVR. We recommend that the SDEIS include a summary of the additional chloride monitoring in the Beaver Brook watershed that was recently agreed to by NHDOT and the Towns.	GC					
24	Appendix G	Chloride Technical Report	5 & 6		3	NHDES recommends that this section be revised to reflect our comments provided above for Section 4.11.1 Affected Environment.	GC					
25	Appendix G	3.4 Beaver Brook Chloride TMDL Monitoring	20		4	NHDES recommends that this section acknowledge that there are other assessment units in the Beaver Brook watershed that are listed as impaired for chloride as shown in Table 4.11.2 of on p. 4-101 of section 4.11 Surface Waters and Water Quality. These include the NHRIV700061203-09 (Derry, Beaver Brook West Running Brook) and NHRIV700061203-11 (Londonderry/Derry, Beaver Brook).	GC					
26	Appendix G	4.1 Methods	22		4	It is stated that "...salt loading for each roadway section was assumed to equal the FY01-FY10 historic average annual salt loading rates for each entity...", however Table 8 shows that the average annual salt usage from FY08-FY16 was used in the calculations. We recommend that this apparent contradiction be corrected.	GC					
27	4	Air Quality	4-42		4	Table 4.4-1 on Page 4-42 notes in bold text the New Hampshire Ambient Air Quality Standards (<i>i.e.</i> the	TW					

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						secondary annual NO ₂ value of 100 micrograms per cubic meter and the primary annual PM _{2.5} value of 15 micrograms per cubic meter) that deviate from the NAAQS. At the time of the last Env-A 300 update, new NAAQS for PM _{2.5} and NO ₂ had not yet been promulgated by EPA. NHDES plans on updating the PM _{2.5} and NO ₂ thresholds listed in Env-A 300 to match the NAAQS.						
28	4	Air Quality	4-44		4	The first full paragraph on Page 4-44 should clarify whether the 26 percent figure noted for the percentage of total greenhouse gas emissions originating from the transportation sector is for New Hampshire or the nation as a whole. If possible, state and national data should be provided for clarification. Additionally, the New Hampshire Greenhouse Gas Reduction Registry signed into law in 1999 should also be noted.	TW					
29	4	Air Quality	4-45			The one-hour SO ₂ and eight-hour O ₃ values in Table 4.4-2 on Page 4-45 are based on 3-year averages. Therefore, the corresponding three-year ranges for the 2014, 2015 and 2016 data should be added to those rows of the table similar to as it is shown for the PM _{2.5} values. Additionally, the 2016 one-hour SO ₂ value of 2.9 ppb should be changed to 5.0 ppb and the 2015 CO one-hour value of 0.6 ppm should be changed to 0.5 ppm.	TW					
30	4	Air Quality	4-45		4	The discussion of NAAQS on the bottom of Page 4-45 should be revised to note that, despite the obvious progress being made, New Hampshire still experiences a number of Ozone Action Days annually that represent hourly exceedances of the NAAQS rather than violations.	TW					

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31	4	Air Quality	4-46		3	The discussion of Transportation Conformity included on Page 4-46 should be updated to include information on the D.C. Circuit Court's recent stay of its February 2018 South Coast Air Quality Management District vs. EPA decision that invalidated certain provisions of rulemaking governing the 1997 NAAQS. On September 14 th , the court granted a stay of its decision and as a result, transportation conformity requirements for the 1997 standard will come into effect for the Boston-Manchester-Portsmouth (SE), NH non-attainment area on February 16, 2019. Also, Page 4-43 from Chapter 4 states that "The Project location within Rockingham County is in attainment for all six criteria pollutants. Therefore, transportation conformity does not apply." This statement should be revised for consistency with this update.	TW					
32	4	Air Quality	4-46		4	Section 4.4.3 beginning on Page 4-46 includes a description of MOVES inputs used to complete microscale CO and Greenhouse Gas Emissions analyses. It should be noted that a conservative analysis will result from no credit being taken for the state inspection/maintenance program. Additionally, it should be noted that, when available, the use of local vehicle age distribution data would be preferable to the EPA national default used to complete the microscale CO analysis for the NH 102/Hampton Drive/Garden Lane intersection. However, in this case, the use of default values is acceptable for the purposes of the SDEIS.	TW					
33	4	Air Quality	4-50		4	It appears that the reference to Table 4.4-3 on the top of Page 4-50 is actually a reference to Table 4.4-5 on Page 4-51.	TW					
34	G	Wetlands			4	The comments offered by the NHDES Wetlands Bureau	GI					

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						are based on a review of the application materials, File #2018-3134 as submitted on October 8, 2018. These comments intend to highlight issues that are not found to be adequately addressed in the SDEIS and more specifically within the application that refers back to the SDEIS.						
35	G	Wetlands			4	Overall there is a difference in the wetlands delineated for the I-93 – 14633 D and 14633 I contracts when compared to the wetlands delineated under the Exit 4A design.	GI					
36	G	Wetlands			4	Some previously delineated (I-93) wetlands are not currently shown on the Exit 4A plans, the limits of wetlands have changed and some wetlands are noted which were not shown on the previous I-93 contract plans.	GI					
37	G	Wetlands			4	Some of the previously impacted wetlands not shown leaves a disconnection relative to new wetland and stream impacts and associated mitigation needs.	GI					
38	G	Wetlands			3	The plans need to include the Top of Bank location for perennial streams and impacts to bank areas need to be calculated, added to the impact summary, and mitigation adjusted to include these losses. In general, bank impacts are not identified in the application materials and overall stream resources seem incorrectly identified.	GI					
39	G	Wetlands			3	Prime wetland impacts- Information needs to be provided to address Chapter 700 requirements providing clear and convincing evidence there will be no significant net loss of values. Since there is no design to review it is unlikely the NHDES Wetlands Bureau can make the findings the law requires.	GI					
40	G	Wetlands			3	The application received states this will be demonstrated in a subsequent submittal. Inspection of the crossing found that the downstream blue flagging does not seem to match the conditions shown on the	GI					

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						plans. Information needs to be provided to address all of Chapter 700 requirements.						
41	G	Wetlands			4	It is suggested that a working session be held to go over both the I-93 plan set and proposed impacts so there is agreement on impacts and mitigation totals.	GI					
42	4	Wetland Mitigation	4-139		3	4.12.3 Mitigation As required by NH CODE OF ADMINISTRATIVE RULES Env-Wt 801.03 (a), a clear understanding of what mitigation opportunities were reviewed or how the local communities provided input on local priorities needs to be summarized and information provided on the evaluation of permittee-responsible options	GI					
43	4	Wetlands	4-147		3	Chapter 4, page 4-147 notes that for the tributaries for Beaver Brook there is no aquatic life data available and the NHDES suggests a review of the SADES database for stream assessment and mitigation opportunities.	GI					
44	4	Wetlands	4-150		3	Table 4.14-1 in the column "activity description" does not reflect the Dredge and Fill application (File # #2018-3134) submitted to the NHDES Wetlands Bureau.	GI					

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David R. Caron
Town Administrator
dcaron@derrynh.org

December 27, 2018

Chairman of the Special Committee
c/o Peter E. Stamnas
Director of Project Development
NH Department of Transportation
PO Box 483
Concord, NH 03302-0483

RECEIVED

JAN 18 9
NHDOT
Highway Design

RECEIVED

NHDOT
Highway Design

RE: Derry-Londonderry, 13065, IM-0931 (201)
Via U.S. Mail and email to peter.stamnas@dot.nh.gov

Dear Mr. Stamnas,

Thank you for the opportunity to express the Town of Derry's concerns about certain aspects of the project and the right-of-way acquisition process. As we all know, the project is being developed to relieve congestion on NH102 through Downtown Derry, and to further enhance economic development opportunities in the Derry-Londonderry area. While the Town of Derry has been an active supporter of and financial contributor to the project for many years, the Town does have concerns which we request NHDOT address as the project moves forward.

The project will open significant land in Londonderry for economic development, with comparatively less opportunities in Derry, particularly along the construction corridor. We understand NHDOT plans to acquire properties on the north side of Folsom Road to facilitate the project but need a better understanding of the scope and timing of these acquisitions. Our concerns are two-fold:

- 1) You will note that properties to be acquired on the north side of Folsom include structures which are located close to the roadway. These lots are deep and include areas which may provide opportunities for development. It was noticed on the Exhibits available during the hearing that NHDOT has designated a significant portion of this land as potential stormwater treatment areas. The Town understands the obligation to treat runoff in accordance with applicable environment regulations and guidelines however, the Town would request that NHDOT utilize its best efforts to minimize impacts to this area in order to preserve redevelopment opportunities.

1

- 2) The Town would appreciate NHDOT's efforts to meet with affected property owners as soon as practicable to more fully explain the acquisition process, scope and timeline. These efforts would provide the Town and affected property owners with a better understanding of the impacts resulting from the acquisitions, and hopefully develop a schedule that would result in an efficient process by providing property owners and the community with timely redevelopment opportunities. These efforts would further assist the Town by accelerating a return to the tax rolls for portions of the acquired properties which may be deemed surplus to the direct needs for the project.

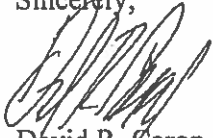
2

A final concern of the Town focuses upon impact to the Police Department and emergency vehicles maintenance facility. These services are located at the intersection of Manchester and Folsom Roads, and due to environmental constraints can only be accessed from Folsom. A recent redesign provided an emergency access eastbound on Folsom, yet the Town believes that this solution, although appreciated, is inadequate. The facility is frequented by residents and visitors, and lack of direct access from both directions will severely hamper the viability of the facility at that location. Both Police and Fire personnel need safe ingress and egress from that location; occasionally citizens using emergency services are distraught and sometimes their driving attentiveness is negatively impacted which will be compounded by multiple and confusing movements as currently proposed by the project engineers.

3

Thank you for your attention to these concerns, and we look forward to affirmative movement towards resolution.

Sincerely,



David R. Caron
Town Administrator

- cc. Town Council
E. Garone, Chief of Police
M. Fowler, Director of Public Works
B. Donovan, Economic Development Director
G. Sioras, Town Planner
M. Gagnon, Fire Chief

Cota, Keith

From: James Morgan <jamesmorgan@derrynh.org>
Sent: Thursday, January 3, 2019 10:11 PM
To: Steve Trefethen; Cota, Keith; David Caron
Cc: cbean@fando.com; Butler, John (DOT); LaBonte, Stephen; Johnson, John
Subject: Re: letter for the record State land taking 101 Franklin Derry llc

Keith,

I am speaking as a Councilor and not on behalf of the entire Council. I was not involved with the negotiations on this deal decades ago. I do have huge concerns of the fairness in this deal for Derry. Londonderry will gain tax basis upside from 4A in comparison to Derry of 50:1 yet we're paying the same? Not a well thought out negotiation but I'm stuck with the deal. The issues that this constituent addresses are potentially a high percentage of our upside depending on how you craft or re craft the watershed. Derry is working very hard to build our tax basis with limited lands. I would greatly appreciate any help you can provide in making sure Derry can attain the most land and have this owner begin development along side your work to provide success for all of us. I thank you for all the hard work to get this project moving. I hope that we can work with this landowner to assure he is helped and that the Town of Derry maximizes our tax basis opportunities along 4A. Thank you so much for looking into this further.

Sincerely,

James Morgan
Derry Town Councilor at Large

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From: Steve Trefethen <steve1955tre@cs.com>
Sent: Wednesday, January 2, 2019 2:48 PM
To: keith.cota@dot.nh.gov; James Morgan; David Caron
Cc: cbean@fando.com; john.butler@dot.nh.gov; stephen.labonte@dot.nh.gov; john.johnson@dot.nh.gov
Subject: Re: letter for the record State land taking 101 Franklin Derry llc

Hi Keith I would like to meet with you and your staff and maybe a Representative from the Town of Derry if you have no issue with that. I would like to take a look at the 3 parcels I have, recognizing that one will have very little land left. I would like to also look at discussing additional taken property that abuts my property. I think early planning is wise here. Ultimately if we need to plan a project with the remaining land from the deeper lots that could support a larger project. As a developer and commercial realtor minimizing the water shed, housing the businesses and developing a tax base is what we need to do here.

I will be in Town February and could meet any time with a few days notice. Once again thanks for the quick response

Visit our web-site at www.sresre.com for Homes,

**I-93 EXIT 4A DOCUMENT REVIEW COMMENT & RESPONSE FORM
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S5

I-93 Exit 4A EIS				QA Reviewer: _____	Date: _____
Title of Document	Type of Document	Version of Document/File Name	Date Released for Review	Comments:	
SDEIS	SDEIS	I-93 Exit 4A Preliminary SDEIS	Rec'd Nov. 5, 2018		
Name and Affiliation of Document Author & Contact Information	Kerri Snyder and Vicki Chase Leo Tidd	646-584-9490 (Kerri Snyder) ksnyder@louisberger.com ; ltidd@louisberger.com			
Name and Initials of Reviewer(s) & Agency Represented	Laura S. Black LSB, David Trubey DWT (NH SHPO)				
Date of Request	Rec'd Nov. 5, 2018	COMMENTS DUE BY	January 4, 2018	<input type="checkbox"/> Pass	<input type="checkbox"/> Resubmit

No.	Chapter	Resource Section	Page*	Exhibit No.	Priority**	Reviewer Comment	Reviewer Initials	Author Response	Status Code***	QC Back-check	QA Check
1			G			General comment: The DHR has provided extensive review and comments to the many iterations of this project's EIS, which include suggestions to improve readability, consistency, accuracy, and substantive content. Versions of the document have addressed many of these issues, although others have remained over time. Those related to QAQC and clear representation of historic resources in relation to Section 106 and Section 4(f) processes are most critical. The DHR anticipates that this will be the final comprehensive written review of the document, although a meeting may be scheduled to discuss comments if desired. Suggest reading all comments below prior to revisions.	LSB				
2	Executive Summary		ES-26		3	Add "and subsequent realignment of the historic corridor" after "rail corridor"	LSB				
3	4	4.18.4	4-188		4	Change "2009" in first line of paragraph to 1999	DWT				
4	4	4.18.4	4-190		3	Clarification necessary as to need for additional archaeological survey. Review with DOT Bureau of Environment underway	DWT				

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5	Appendix K	2018 Draft Adverse Effect Memo	2		3	Recommendation by consulting archaeologist for 2016 Phase 1A survey is not accurately conveyed. Recommendation from VBI "...Phase I-B archeological survey be completed to identify resource presence or absence for any sites or sensitive areas impacted by the project." Sensitivity areas identified through 1999 survey continue to be considered sensitive.	DWT				
6	4	4.18.4	4-191		3	2018 SDEIS: Check numbers against the tables for accuracy as they are inconsistent.	LSB				
7	4	4.18.4	4-191		4	2018 SDEIS: Move third paragraph up behind first paragraph to keep related paragraphs together.	LSB				
8	4	4.18.4	4-191		4	Footnote 20: add "in 2005" after "was determined ineligible"	LSB				
9	4	4.18.4	4-197		3	Revise the first sentence to, "The following section describes the resources that have been found eligible for the NRHP, and are still National Register eligible in 2018."	LSB				
10	4	4.18.4	4-197		3	Change Derry Properties to Derry Resources to help avoid confusion over resources with more than one parcel. Or remove heading references to the two towns altogether. It's an unnecessary division of the project APE anyway.	LSB				
11	4	4.18.4	4-197-202		3	Recommend not separating out resources inside and outside historic districts. List the historic resources inclusive of all kinds. You can note in each individual blurb when individual resources are also contributing properties to a historic district.	LSB				
12	4	4.18.4	4-197		3	Remove header in italics "The following properties..."	LSB				
13	4	4.18.4	4-197		3	Missing DER0054 and DER0055	LSB				
14	4	4.18.4	4-198		3	Remove header about properties outside of historic district	LSB				
15	4	4.18.4	4-198		3	Why is the potential Birch Street Historic District not treated in the same way in the narrative like the potential Broadway Historic District? Both survey efforts seem unfinalized per the table and DHR records. Neither appears to have had a NR eligibility determination, however the agencies seem to have agreed ca. 2005 to treat both as NR eligible historic resources for the purposes of this project (as long as there were no impacts), then they should be addressed in similar ways in the report. Inconsistencies must be fixed.	LSB				
16	4	4.18.4	4-199		3	Change Londonderry Properties to Londonderry Resources. Or remove heading references to the two towns altogether.	LSB				
17	4	4.18.4	4-199		3	Inconsistent treatment of narrative. Properties in Derry that are no longer eligible in 2018 are not in the narrative, nor is LON0103. Why is Woodmont Commons (LON-WO) in the	LSB				

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						narrative? Remove Woodmont Commons from the narrative (also to be in-line with suggestion in comment above).					
18	4	4.18.4	4-200		3	Change "This bridge is currently being demolished" to "This bridge has been removed". Note to team that it is not demolished, it will be stored temporarily, and will optimistically find a new final home.	LSB				
19	4	4.18.4	4-200		3	Remove the italicized header about properties reaching sufficient age. All the resources under it fit under the section header at the top of p. 4-197.	LSB				
20	4	4.18.4	4-200,4-191		4	Move first para under italicized heading to p.4-191 after the reorganized section under 2018 SDEIS. Revise text as noted in comments below. Some language may end up being repetitive and can be streamlined if necessary. That would consolidate explanatory paragraphs	LSB				
21	4	4.18.4	4-200		4	Replace "A total" with "There is a total"	LSB				
22	4	4.18.4	4-201		4	Move table 4.18-3 to after table 4.18-2	LSB				
23	4	4.18.4	4-200		3	Franklin Terrace was inventoried with an area form and determined Not Eligible for listing in the National Register.	LSB				
24	4	4.18.4	4-200		3	Change "properties" to "resources" that were surveyed and add the inventory of Franklin Terrace to all appropriate locations and numbers.	LSB				
25	4	4.18.4	4-200		3	The statement regarding the Manchester & Lawrence Railroad is a statement regarding effects, not resource identification and therefore seems misplaced here.	LSB				
26	4	4.18.4	4-202		3	Why is the Manchester & Lawrence Railroad Historic District located under a heading/section about reaching sufficient age for NR eligibility? This is a multi-town resource dating to 1849 that was determined NR eligible in 2009. Removal of extraneous headings will eliminate this problem.	LSB				
27	4	4.18.5	4-203		3	First para: Add statement to be clear that effects tables were only completed for Alternative A, and that effect evaluations for Alternatives B-F date to 2007 based on information available at that time and haven't been updated.	LSB				
28	4	4.18.5	4-204		3	Add "and subsequent realignment of the historic corridor" after "rail corridor"	LSB				
29	4	4.18.5	4-205		3	There are numerous individually eligible resources that also are contributing to the potential Broadway Historic District. Effect evaluations for individual historic resources and the district they <i>also</i> contribute to shouldn't be conflated.	LSB				
30	5	5.4.5	5-50—5-51		4	Why is the sentence regarding historic resources and local regulations repeated three times?	LSB				
31	5	5.4.5	5-50		2	"Known developments in the study area are not anticipated to	LSB				

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						result in adverse effects to known historic resources." What is this statement based upon? Are these assumptions or based upon other projects' Section 106 consultation and project findings?					
32	5	5.4.5	5-51		3	Remove "historic resources within" in the last sentence of the 5 th para or add "and to" as appropriate to the effect findings when they were made. Although inconsistently treated in this report (see other comments), for the purposes of this project the Broadway Historic District seems to be treated as a historic resource. There are <i>also individual</i> historic resources within its boundary.	LSB				
33	7	7.3.1	7-2		3	Why does the Broadway Historic District not have a line in this table, if the Birch Street Residential Historic District has one? As noted above, if both the potential Broadway Historic District and the potential Birch St Residential Historic District are being treated as historic resources for the purposes of this project, then both must be treated the same way in the document. Both must have a line in this table as a 4(f) historic resource. Each of the individually eligible resources at the top of the table is a 4(f) historic resource, independent of their contributing status to a historic district.	LSB				
34	7	7.3.1	7-7		3	Another instance where the phrase "historic resources within the Broadway Historic District" should be clarified so that effect findings for historic resources aren't conflated. There are many individual resources located within that would each have separate effect evaluations, in addition to an evaluation for the district itself.	LSB				
35	7	7.5.1, 7.6	7-12, 7-17			Note to team that DHR's written comments to the draft effects memo were returned on October 30, 2018. The final effects memo has not yet been submitted to the DHR for signature.	LSB				
36	9	9.3	9-3		3	Revise agency information as needed. The Department of Cultural Resources was merged in July 2017 and is now the Department of Natural and Cultural Resources. My title is now Preservation Compliance Specialist and Easement Program Coordinator. BEA is now located on Main St. in Concord.	LSB				
37				Fig. 4.18-1-3		Why is the APE depicted referenced as "preliminary"?	LSB				
38				Fig. 4.18-4		Why is just one inset graphic, along Alternative F, provided?	LSB				
39				Fig. 4.18-4-5		Why are these figures from 2007? Update as necessary for 2018.	LSB				

Use Codes:

* Page No. or "G" for general comment about the section/chapter

** An explanation of the priority levels follows:

- 1 Critical issues requiring discussion/ resolution
- 2 Substantive comment (including issues pertaining to Agency policy or precedent setting conclusions)
- 3 Factual or substantive issue (regarding legal principles or regulatory error that should be corrected prior to publication)
- 4 Editorial comment (suggestions to improve readability of the document/report or typographical error)

*** **Status Codes:** A = Incorporated; B = Alternate Revision Proposed; C = Evaluated/Not Incorporated; D = Response to Question

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State/Local Agency Responses

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State and Local Agencies and Elected Officials— Responses to Comments

Comment Number	Name
S1	James B. Rausch, former State Senator, Rockingham District 5
S2	New Hampshire Department of Environmental Services
S3	Town of Derry
S4	James Morgan, Derry Town Councilor at Large
S5	New Hampshire Division of Historic Resources

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S1**Response to Comments Made by
James B. Rausch, State Representative
Rockingham District 5
Letter Received December 3, 2018**

1. Your support for the project is noted.

S2**Response to Comments Made by
New Hampshire Department of Environmental Services
Email Received January 4, 2019**

1. The text in the FEIS has been changed to clarify what water quality parameters are estimated and whether other parameters associated with paved runoff may be an issue (VOCs, etc.), but are not modeled or measured.

The Project will conform to NHDES rules requiring protection of groundwater resources (e.g. Env-Dw 300) and a discussion of wellhead protection areas, associated rules, and their relevance to the project are included in Section 4.13.1 of the FEIS.

2. Sections 4.13.1 and 4.13.2 of the FEIS include a discussion of the potential chloride impacts on groundwater resources in areas affected by the Project as well as the NHDES rules associated with wellhead protection areas and private well setbacks. The Project will ensure that chloride impacts are minimized through the use of salt reducing highway maintenance BMPs, as discussed in Section 4.11 of the FEIS, and the potential to impact groundwater resources will be minimized by ensuring that mitigation measures will be consistent with NHDES' document "Recommendations for Implementing Groundwater Protection Measures when Siting or Improving Roadways".
3. The text in Section 4.13 of the FEIS has been changed to cite Env-Dw 305.11 Preliminary Estimate of the Wellhead Protection Area and Proposed Refinement.
4. Section 4.13 of the FEIS includes a discussion of the recommendations outlined in the NHDES document "Recommendations for Implementing Groundwater Protection Measures When Siting or Improving Roadways." Final design will conform to the recommendations in the above referenced NHDES document to the extent practicable to ensure the protection of groundwater resources. For private wells along NHDOT-maintained roadways, NHDOT's practice is to undertake a base test for water quality on wells where requested by property owners prior to construction activities to establish a baseline for water quality for any wells that may be impacted by a project. If there is a documented change in water quality or if a water supply well is directly affected by the project, the well may be eligible for replacement under the NHDOT well replacement program and/or the Towns' local programs. The NHDOT well replacement program is discussed in Section 4.13 of the FEIS. For private wells along Town-maintained roads, the property owners would need to coordinate with the Town of jurisdiction.
5. During the next phase of design, a map will be developed to identify any public or private wells within the setback area from the roadway.

6. The new well collector system that will be installed in southern Hooksett as a new source of drinking water for the City of Manchester has been noted. However, the collector system is well outside of the area of influence for the I-93 Exit 4A project.
7. For the purpose of a NEPA study, private well inventories provided by NHDES are sufficient for comparison of the relative impacts between Alternatives and for the evaluation of private well impacts from the Proposed Action. In Section 4.13 of the FEIS, it is noted that private well numbers are estimated, with an associated level of uncertainty, and that actual private well numbers could be higher. During final design, private wells adjacent to the project will be inventoried and reviewed relative to NHDES rules associated with private well setbacks.
8. PWS compliance data has been summarized in Section 4.13 of the FEIS for wells near the Project. Baseline levels of NaCl in groundwater and any trends over time evidenced in the PWS compliance data is discussed in Section 4.13 of the FEIS.
9. The new impervious surface area associated with each of the four WHPAs within the Preferred Alternative has been specified in Section 4.13 of the FEIS. This section of the FEIS also includes an estimate of population served by public water supplies in the project area.
10. Section 4.13 of the FEIS includes a note that the private well numbers within the Project limits are estimates from the NHDES inventory and were not verified. A footnote has been added to Tables 3.7-1 and 4.13-2 in the FEIS.
11. Implementation of chloride reducing BMPs by NHDOT, Derry, and Londonderry will be detailed in their respective written Stormwater Management Programs (SWMP) as required in Part 1.10 of the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 Permit) (EPA 2017). The financial burden and availability of funding for stormwater BMPs are not explicitly considered in the FEIS; rather, a discussion of BMPs that may be used to satisfy MS4 requirements and which are likely to be included as part of the required Chloride Reduction Plans and SWMPs are considered to be sufficient for NEPA demonstration.
12. Hazardous material spills during construction will be addressed in the permitting and construction phase of the Project through the required Stormwater Pollution Prevention Plan. Hazardous material spills during operation of the Project will be handled by the local authority (e.g., emergency response team) in accordance with all NHDES requirements. A clarification has been made in the FEIS regarding the SWPPP as the instrument to address potential spills during the construction phase.
13. Conditions required for 401 WQC to the ACOE 404 permit will be provided by NHDES. Certification has been granted for new and increased stormwater discharges from the operation of the Project as part of the NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer System (MS4). NHDOT, Derry, and Londonderry have submitted Notices of Intent (NOI) to obtain coverage under the MS4 permit and NHDOT has received authorization from EPA to discharge stormwater from the MS4, as approved in a letter from EPA dated March 18, 2019. Derry and Londonderry have completed NOI submittals for the MS4 permit and expect to receive letters of authorization from EPA as well. NHDOT and the

Towns of Derry and Londonderry plan to make use of the general permit and expect no further certification review.

14. The requested revisions to the description of the regulatory framework state waters have been made to the FEIS.
15. The requested revisions have been made to the FEIS.
16. Table 4.11-1 in the FEIS has been revised as suggested.
17. The requested revisions regarding waterbody and stream assessment methodology have been made in the FEIS.
18. The requested revisions to Table 4.11-2 “NHDES-Listed Impaired Waters in the Study Area” have been made in the FEIS.
19. The requested revisions acknowledging other pollutants of concern have been made in the FEIS.
20. The section reference has been corrected in the FEIS.
21. The corrections to Tables 4.11-8 and 4.11-9 have been made in the FEIS.
22. Please see the response to Comment 13. In addition, the requested revisions to the text in Section 4.11.3 have been made in the FEIS.
23. A summary of the additional chloride monitoring in the Beaver Brook watershed that was recently agreed to by NHDOT and the Towns has been included in the FEIS.
24. The requested revisions have been made in the Chloride Technical Report (Appendix G of the FEIS).
25. The requested information has been added to the Chloride Technical Report (Appendix G of the FEIS).
26. Thank you for bringing this typo to our attention. Salt usage for FY08-FY16 was used for all salt loading calculations, not FY01-FY10 as was incorrectly stated in Section 4.1 of Appendix G – Chloride Technical Report of the FEIS. The Chloride Technical Report includes the corrected text in Section 4.1.
27. Table 4.4-1 in the FEIS has been updated to include a note that NHDES intends to update their regulations in the future to be consistent with the NAAQS for PM_{2.5} and NO₂.
28. The referenced figure pertains to national greenhouse gas emissions as reported by EPA, not New Hampshire specific data. The FEIS includes state-level transportation sector GHG emissions information and the reference to the 1999 Greenhouse Gas Reduction Registry as requested.
29. The requested revisions to Table 4.4-2 have been made in the FEIS.
30. The following sentence was added to the FEIS to address the comment: “Although air quality has greatly improved over the past several decades, New Hampshire still experiences a number of “Air Quality Action Days” annually when NHDES monitoring detects unhealthy levels of ozone and/or fine particulate matter.”
31. The discussion of transportation conformity has been updated in the FEIS to include information on the D.C. Circuit Court’s recent stay of its February 2018 decision and EPA’s guidance on the

implementation of the decision. The statement related to the application of transportation conformity has been revised in the FEIS.

32. Comment noted. The intersection microscale analysis was based on conservative assumptions and the results demonstrate that further detailed analysis is not warranted.
33. The table reference has been corrected in the FEIS.
34. Section 4.12 of the FEIS includes the necessary edits for consistency with revised or supplemental data submitted for the state and federal wetland permit applications, including revised impact quantities and greater detail regarding the mitigation proposal. The focus of the narratives and level of detail may differ between the FEIS and state application given the different purposes and regulatory guidance for these documents, but contradictory information has been corrected.
35. The discrepancies that NHDES identified between the I-93 wetland delineation and the Exit 4A delineation are noted. The wetlands in the vicinity of Exit 4A were delineated by Normandeau Associates Certified Wetland Scientists and field verified in 2017. Minor differences between the Normandeau delineations and the I-93 delineations may be attributable to changes in federal delineation procedures, including the publication of the 2012 regional supplement to the federal delineation manual, slight differences in boundary interpretations between delineators, or changes due to I-93 construction activities. Variations beyond the field data collection limits may be attributable to differences in aerial photo interpretation. Without detailed information regarding the I-93 delineation methods and data, boundary differences at specific locations cannot be assigned to any specific factor.

The design footprint of the I-93 project was overlaid on the Exit 4A plans to identify I-93 wetland impacts and exclude them from the Exit 4A impact measurements. The permitting plan set has been revised to exclude impacted wetlands that were located within the I-93 design footprint, with the exception of the relocated intermittent stream along Trolley Car Lane, west of I-93. This relocated stream will be relocated again for Exit 4A, and is included in the permit application.

36. The field delineations for Exit 4A were conducted independently from previous projects and reflect current delineation criteria. See also the response to comment 35, above. Wetlands within the I-93 project footprint have been removed from the Exit 4A plan set.
37. See response to Comment 35.
38. Top of bank locations and quantification has been corrected in the wetland permit application materials.
39. Information demonstrating that the project will not result in a significant net loss of prime wetland functions and values based on the conceptual level crossing design has been added to the supplemental state wetland permit application materials, and this information is also included in the FEIS.
40. The prime wetland, as mapped by the Town of Derry, does not extend downstream of the proposed crossing, but as much additional information regarding the crossing as possible given the design stage was provided for NHDES review. All blue stream flags placed in the field by Normandeau scientists were GPS located. Offsets are sometimes applied where noted by the GPS

operator as appropriate. GPS points were downloaded and corrected GIS files were provided to the engineers for inclusion on the project plans. Even with submeter accuracy, GPS points may be slightly off due to local canopy conditions or satellite availability, which varies throughout the day. We are not certain that the blue flags observed by NHDES were Normandeau flags, but every effort to delineate streams accurately was made by the field scientists by following accepted delineation and GPS protocols.

41. Plan set revisions and a discussion of the differences between the I-93 wetland delineation and the Exit 4A delineations have taken place within the Project team. The impacts and mitigation were discussed with state and federal agencies in a meeting on March 15, 2019. The application materials and plans have been revised accordingly.
42. The revised wetland permit application includes a summary of the development of the mitigation package, including the involvement of the Towns of Derry and Londonderry. This information has been included as an update to the wetland application narrative.
43. The NHDES Water Quality Report stream assessment data indicates that Cat-O'Brook north (Tributary E), Cat-O'Brook South, Manter brook and the un-named stream west of I-93 that parallels Trolley Car Lane are rated as probably supporting aquatic life. However, the Aquatic Restoration Mapper which includes the SADES database information indicates reduced passage or no stream passage for all of these streams at one or more road crossings in the project area. This information has been added to the FEIS Section 4.14.1. In addition, NHDOT is evaluating existing stream crossings that may be upgraded as part of the Stream Passage Improvement Program (SPIP), which could be part of the Project mitigation plan. This is discussed in Section 4.14.3 of the FEIS.
44. The tables in the FEIS and wetland permit application have been revised to match.

S3
Response to Comments Made by
Town of Derry
Derry, NH
Letter received January 4, 2019

1. The concerns of the Town of Derry about the project's ability to maximize the potential for redevelopment of parcels on the north side of Folsom Road are understood. EPA MS4 stormwater treatment requirements for the impervious area from the roadway necessitate a large area for stormwater treatment for the project. Due to the heavily developed nature of the area and the topography of the land, there are a limited number of areas where stormwater treatment is possible. During final design of the project, the stormwater treatment areas will be further refined and will be reduced in size if possible, while maintaining treatment levels. A list of BMPs related to stormwater treatment is provided in Section 4.11 of the FEIS.
2. Affected property owners can request consideration for accelerated property acquisition from the NHDOT if the parcel is to be a complete acquisition. The standard Right of Way acquisition process will include meetings with property owners to explain the process. These meetings will take place during the final design portion of the project.
3. The Town's concern for the access to and from the public safety complex is noted. The driveway for the public safety complex is located within 200 feet of the major intersection of Folsom Road,

NH 28, and Tsienneto Road. Due to heavy traffic demand, access management to include restriction of left turns between the signalized intersections appears to be necessary. However, emergency vehicles will be able to use a proposed depression in the median island for left turns, but access for the general public may be limited to right in/right out. The Department, with the assistance from the Town of Derry, will evaluate alternatives through the final design phase that may be able to improve safe egress and access to the public safety complex.

S4

**Response to Comments Made by
James Morgan, Derry Town Councilor at Large
Derry, NH
Letter received January 4, 2019**

1. The NHDOT, in conjunction with the Town staff, met with the Mr. Trefethen and Derry Town Manager, David Caron, on January 29, 2019. At the meeting, Mr. Trefethen expressed concerns with the impacts to his properties (Parcels 62 and 63) resulting from the proposed stormwater treatment area. He did note that he desires to retain the remnant property for parcels 62 and 63; therefore, they will not fall under our early acquisition commitments. The acquisition will proceed through the normal ROW process once the design has been finalized for the development of ROW plans for appraisal purposes.

S5

**Response to Comments Made by
New Hampshire Division of Historic Resources
Comments received January 3, 2019**

1. Thank you for the comment.
2. The statement has been revised in the FEIS as requested.
3. The statement has been revised in the FEIS as requested.
4. Additional clarification regarding the need for a Phase I-B survey has been added to Section 4.18.4 of the FEIS.
5. The adverse effect memo has been revised to accurately convey the recommendation for a Phase I-B survey. The FEIS has also been updated accordingly.
6. The text and tables have been checked and revised as needed in the FEIS.
7. The paragraph has been moved in the FEIS as requested.
8. The footnote has been revised in the FEIS as requested.
9. The statement has been revised in the FEIS as requested.
10. The heading has been revised in the FEIS as requested.
11. The presentation of historic resources has been revised in the FEIS as requested.
12. The heading has been removed from the FEIS as requested.
13. Descriptions for DER0054 and DER0055 have been added to the FEIS.
14. The heading has been removed from the FEIS as requested.

15. Additional information has been added to the potential Birch Street Historic District narrative in the FEIS to make it consistent with what has been provided for the potential Broadway Historic District.
16. The heading has been revised in the FEIS as requested.
17. The presentation of Londonderry Resources has been revised in the FEIS to be consistent with the revised Derry Resources narrative. Resources no longer eligible have been removed. For both towns, descriptions are not provided for resources that are only contributing to eligible districts.
18. The statement has been revised in the FEIS as requested.
19. The heading has been removed from the FEIS as requested.
20. The paragraph has been moved in the FEIS and streamlined as requested.
21. The statement has been revised in the FEIS as requested.
22. Table 4.18-3 has been moved in the FEIS so that it immediately follows Table 4.18-2.
23. Thank you for the comment.
24. The inventory narrative has been revised as requested in the FEIS. Franklin Terrace has been added to FEIS Table 4.18-3 and the number of resources surveyed has been updated.
25. The statement has been revised in the FEIS to identify it as a resource rather than to discuss effects.
26. The M&L Railroad Historic District has been moved ahead of the Derry and Londonderry discussions in the FEIS; it is the first resource described under the Individual Resources and Historic Districts Found Eligible for the National Register of Historic Places heading.
27. Since the 2007 DEIS was published, the former M&L Railroad was determined eligible for the NRHP in 2009. Based on a records search conducted in February 2019, no additional historic resources have been identified along any of the Build Alternative alignments. Therefore, the effect evaluations for all alternatives are current. FEIS Section 4.18.4 has been updated accordingly.
28. The statement has been revised in the FEIS as requested.
29. The discussion for Alternative F in Section 4.18.5 of the FEIS has been revised to more clearly state the potential effects to individual historic resources and the potential effects to the district.
30. Section 5.4.5 of the FEIS has been revised to reduce repetition.
31. The statement has been revised in the FEIS to indicate the spatial relationship between the projected development footprints and known, mapped historic resources.
32. The statement has been revised in the FEIS as requested.
33. Table 7.3-1 has been revised in the FEIS to include a line for the Broadway Historic District.
34. The text in Section 7.3.1 of the FEIS has been revised to clarify Alternative's F effects on the potential Broadway Historic District.
35. Your comment is noted.

36. The agency information has been revised in the FEIS as requested.
37. Figures 4.18-1 through 3 have been revised.
38. Based upon a review of Figure 4.18-4, it has been determined that no changes are necessary.
39. Figure 4.18-5 has been revised.

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Private Organizations and Individuals

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Private Organizations and Individuals Comments

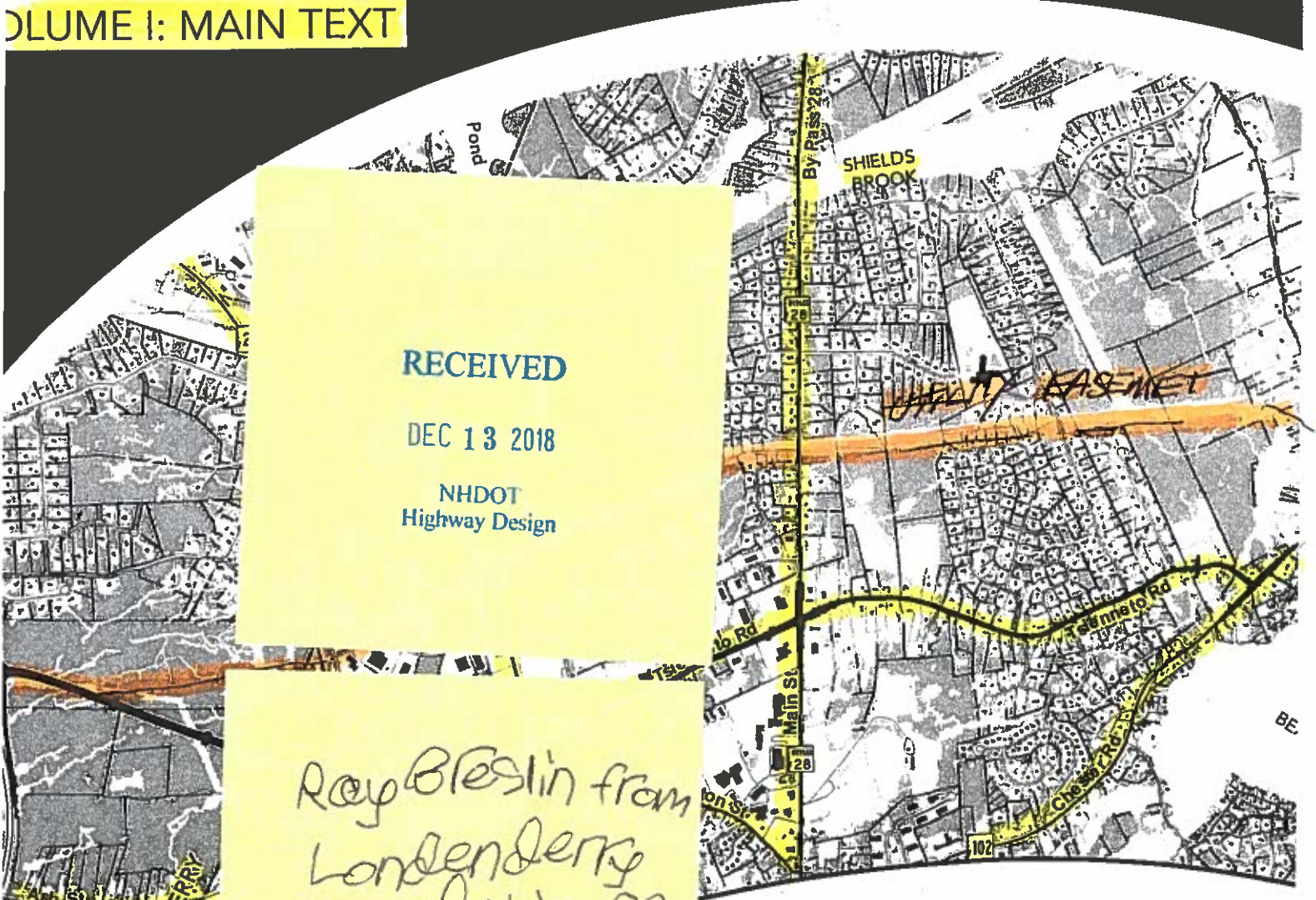
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93 EXIT 4A

PPLEMENTAL DRAFT
VIRONMENTAL IMPACT
ATEMENT/SECTION 4(F)
ALUATION

NHDOT Project Number: 13065
Federal Project Number: IM-0931(201)
FHWA EIS # FHWA-NH-EIS-07-01-DS

VOLUME I: MAIN TEXT



RECEIVED
DEC 13 2018
NHDOT
Highway Design

Ray Breslin from
Londonderry
dropped this off.
I told him you
would be back
Thursday. - Lauren

OCTOBER 2018

Federal Highway Administration (FHWA)
New Hampshire Department of Transportation (NHDOT)
Town of Londonderry
Town of Derry



REF
388
INT
4A



U.S. Department
of Transportation
Federal Highway
Administration

New Hampshire
DOT
Department of Transportation



As stated in the Town of Londonderry's Comprehensive Master Plan (2013), the town's vision is to:

"...remain a close-knit, vibrant community in the heart of protected forests and farms. Residents, businesses, and visitors should expect a government that works diligently to link development with quality of life, while strengthening community and economic vitality. Efficient Town services, inviting public spaces, and a top-tier school system make the Town a great place to live and raise a family. A highly-educated work force, proximity to a regional airport, and an efficient transportation system make the Town an ideal place to work and invest in new business."

The guiding principles for this vision include stay "forever green", promote unique activity centers, emphasize housing choice and diversity, increase transportation choice and walkability, enhance the municipal advantage, and excel in education and town services. With regard to transportation, the goals outlined in the Master Plan include improving mobility, reducing congestion, and providing greater travel mode choice for Londonderry's residents. The primary focus for improving the transportation system includes expansion and improvement of existing infrastructure, reduction of the overreliance on motorized vehicles for daily travel needs, and implementation of a town-wide complete streets policy. The Master Plan does not mention the proposed Exit 4A Project; however, it has been considered in the Woodmont Commons PUD Master Plan (Pillsbury Realty Development, LLC, 2013). The Woodmont Commons PUD is planned on the east and west sides of I-93 near the Project. Based on discussions with the Town of Londonderry and the developer, the remainder of the Woodmont Commons PUD area (east and west of I-93) is anticipated to be built out by 2040. Additional discussion regarding Woodmont Commons is provided in Chapter 5.

4.3.2 Environmental Consequences

The following sections include a discussion of compatibility of the No Build Alternative and the Build Alternative with land use, zoning, and public policy. Residential acquisitions and business displacements are discussed in more detail in Section 4.7.2, *Socioeconomics*.

Land Use

No Build Alternative

Under the No Build Alternative, the Project would not be implemented, and no changes to land use attributable to the Project would occur. No impact on community facilities would occur.

Alternative A

Under Alternative A, approximately 41.45 acres of new ROW would be required, and these takes would include 14 residential acquisitions and 25 business displacements, most of which are located in a single office complex. Implementation of Alternative A would provide direct Interstate access to commercial and industrial lands and be compatible with existing and future commercial and industrial uses. It could be incompatible with existing and future residential land uses, but it would be more compatible than Alternatives B and C, which have more low density residential use along their alignments. The Salvation Army of Derry (18 Folsom Road) would be displaced by Alternative A. No other community facilities would be affected.

Exit 4A

Tsienneto Road from NH Route 28 Bypass to NH Route 102 will have minor safety improvements completed on the east end of Tsienneto Road. The roadway typical section will include a 28 to 30-foot paved two-lane uncurbed road with 11-foot travel lanes and two to four-foot shoulders.

Tsienneto Road/NH Route 102 Intersection will be signalized, with added turning lanes on NH Route 102 and Tsienneto Road.

Also included are all potential mitigation and stormwater management areas as may be required to comply with State and Federal permitting requirements and best management practices as shown on the project plans. Further evaluation and coordination with State and Federal agencies will be required to determine the final components of the mitigation package, and in turn, the specific parcels, or portions thereof, to be acquired.

The layout of the interchange bridge over I-93 includes the accommodation for an ultimate eight lane build-out of the interstate and a future rail line in the center median. This new interchange will have access to/from the east of I-93 only. The interchange will not preclude viable westerly access at some future date if it becomes necessary.

The limitations of access previously established for I-93 will be maintained and expanded to prohibit any non-interchange access. No access will be allowed to the interstate except via existing and the new Exit 4A designated interchanges.

Limitations of access, as well as exceptions, are as follows:

LONDONDERRY

Interstate 93 (NB & SB)

Except for the new break in Interstate right-of-way for this project (Parcel 10/050), limitations of access previously established for Interstate 93 will be maintained. Limited access right-of-way will surround new Exit 4A interchange and traverse 500 feet east down access road towards Folsom Road.

The above limitations of access are established in accordance with RSA Section 230:46.

The following decisions are the Towns' resolution of issues as a result of the testimony presented at the September 12, 2007 Public Hearing and written testimony subsequently submitted. (NOT RELEVANT)

1. Mr. Craig Bulkley (Chairman, Derry Town Council, 25 Jeraze Drive, Derry) on behalf of the Town Council expressed thanks to all the people present for working on the project. He feels the statements provided show the need and importance

EXIT # 2
43.6 M

ROUTE 93 WIDENING

COST EXIT # 3

12.1 M
27.6 M
12.1 M
30.7 M
39.9 M
122.4 MILLION

EXIT 3-4

49.1 M

EXIT # 4

EXIT
5-6
49.6M

60.7 M
1.4 M
18.6 M

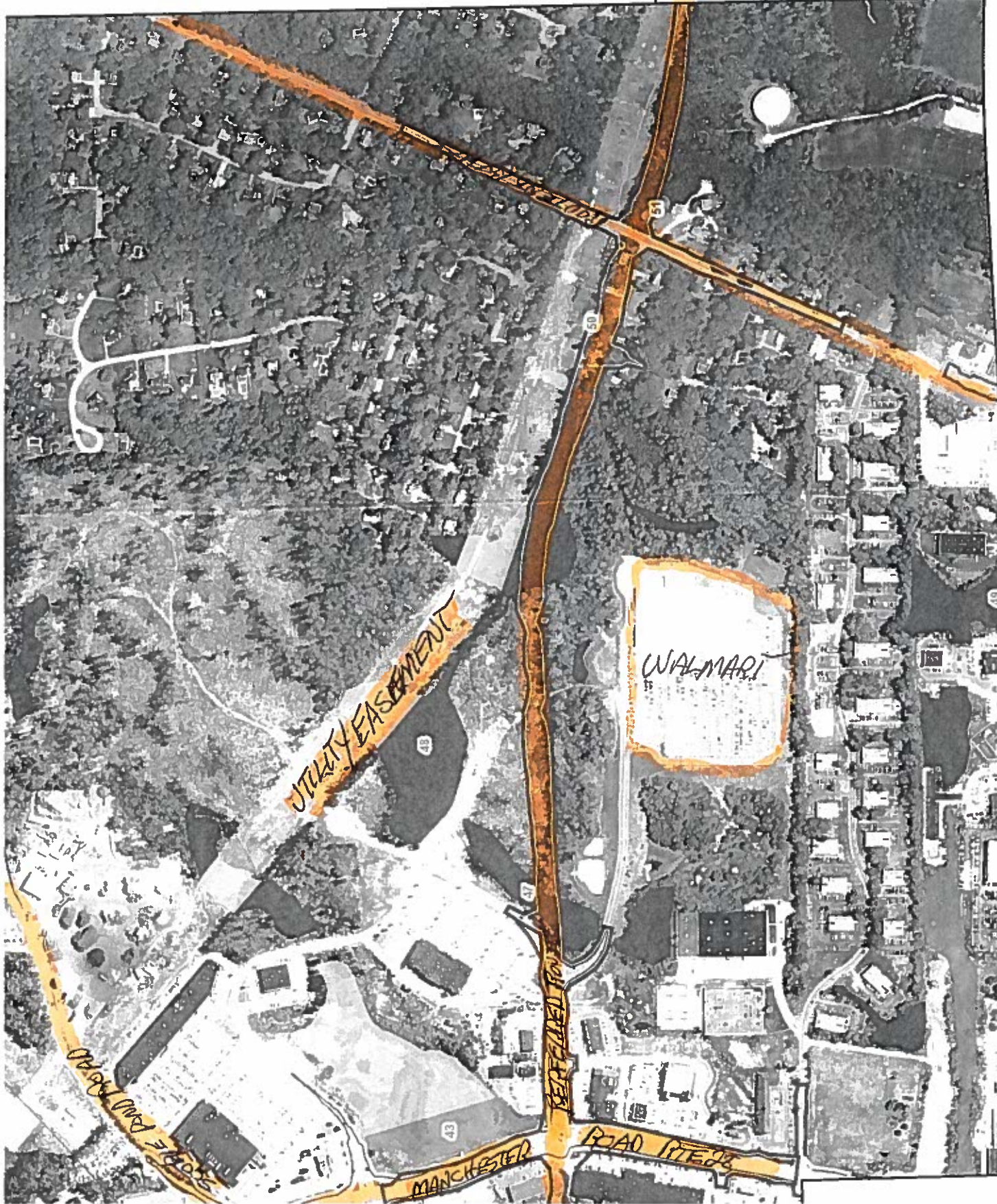
EXIT # 5

37.3 M
EXIT # 1
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6.9
32.7

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 Source: CAG Department, Town of Cary, North Carolina, Metropolitan Government, METROPLANIT
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ROUTE 102 INTERSECTION
 IN FAULTURE NOW?
 BEVER LAKE



- Alternatives**
- A
 - B
 - C
 - D
 - F

- Wetlands**
- Emergent
 - Scrub-Shrub
 - Forested
 - Unconsolidated Bottom/Op Water

- Vernal Pool Relative Rank**
- Low Productivity
 - Medium Productivity
 - High Productivity

Streams

Photo Locations

Sources
 CDE Engineers
 Town of Derry GIS
 Town of Londonderry GIS
 Environmental Data Resources, Inc. (2018)
 NHORANET

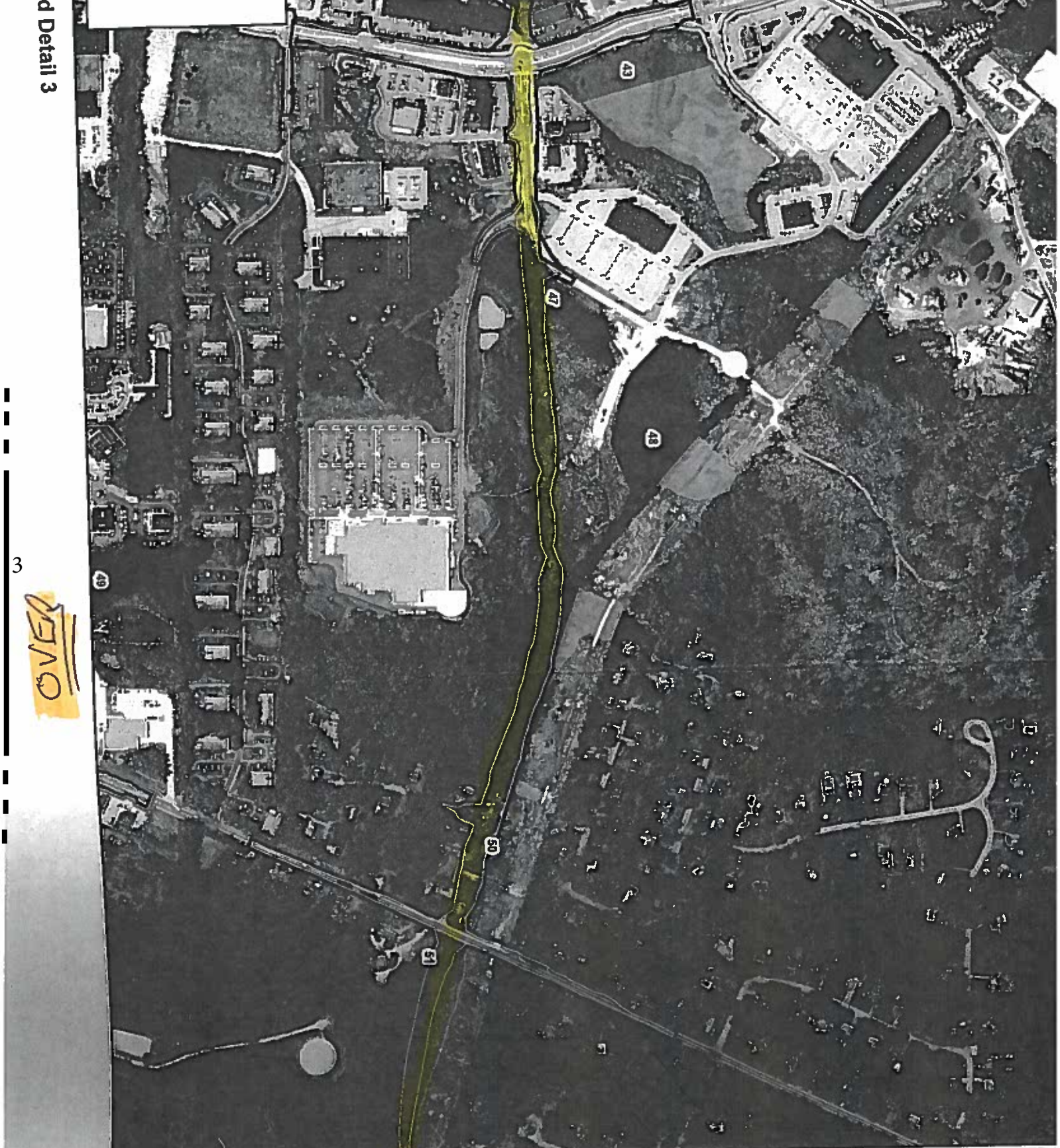
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Coordinate System
 NAD 1983 StatePlane
 New Hampshire (feet)

Date
 August 29, 2



NOTE ABOVE SHOULD BE CONSIDERED AS THE PERMITTED ROUTE IF BUILT!



d Detail 3

3

OVER

- Alternatives
- A
 - B
 - C
 - D
 - E
 - F

Wetlands

- Emergent
- Scrub-Shrub
- Forested
- Unconsolidated Bottomland
- Water

Vernal Pools Relative Rank

- Low Productivity
- Medium Productivity
- High Productivity

- Streams
- Photo Locations

Source:
 CAD Software: ArcGIS 9.3
 Data: New Hampshire DDT
 New Hampshire DDT
 Environmental Data Resources, Inc. (2010)
 NH ORCA

Coordinate System:
 NAD 1983 StatePlane
 New Hampshire (feet)

Date:
 August 28, 2010



THE ROUTE SHOWN ON REVERSE
SIDE I STRONGLY RECOMMEND
BE CONSIDERED!

93 EXIT 4A

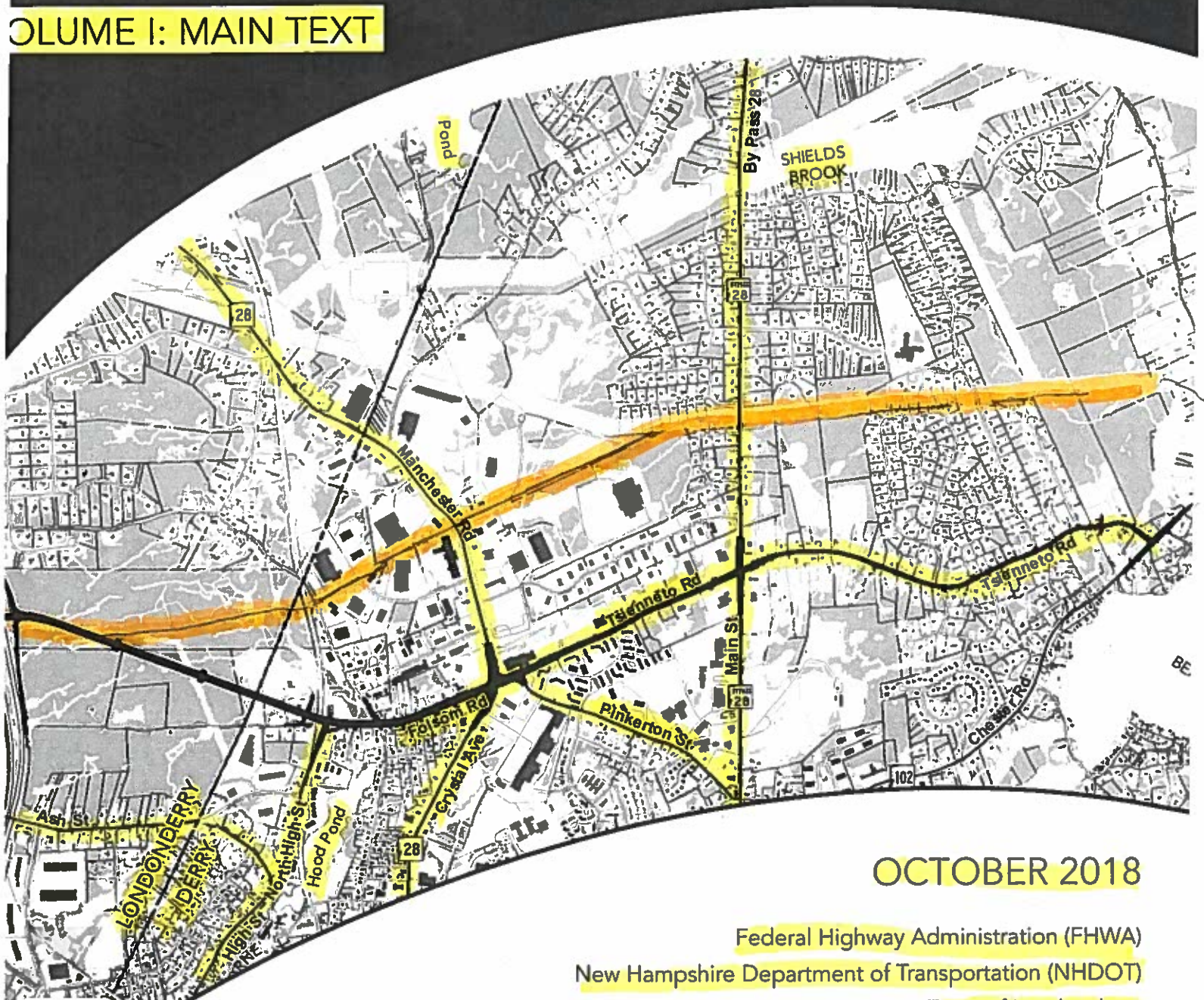
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT/SECTION 4(F) EVALUATION

VOLUME I: MAIN TEXT

NHDOT Project Number: 13065

Federal Project Number: IM-0931(201)

FHWA EIS # FHWA-NH-EIS-07-01-DS



OCTOBER 2018

Federal Highway Administration (FHWA)
 New Hampshire Department of Transportation (NHDOT)
 Town of Londonderry
 Town of Derry

REFERENCE

REF
388
INT
4A



U.S. Department
of Transportation
Federal Highway
Administration

New Hampshire
DOT
Department of Transportation



As stated in the Town of Londonderry's Comprehensive Master Plan (2013), the town's vision is to:

"...remain a close-knit, vibrant community in the heart of protected forests and farms. Residents, businesses, and visitors should expect a government that works diligently to link development with quality of life, while strengthening community and economic vitality. Efficient Town services, inviting public spaces, and a top-tier school system make the Town a great place to live and raise a family. A highly-educated work force, proximity to a regional airport, and an efficient transportation system make the Town an ideal place to work and invest in new business."

The guiding principles for this vision include stay "forever green", promote unique activity centers, emphasize housing choice and diversity, increase transportation choice and walkability, enhance the municipal advantage, and excel in education and town services. With regard to transportation, the goals outlined in the Master Plan include improving mobility, reducing congestion, and providing greater travel mode choice for Londonderry's residents. The primary focus for improving the transportation system includes expansion and improvement of existing infrastructure, reduction of the overreliance on motorized vehicles for daily travel needs, and implementation of a town-wide complete streets policy. The Master Plan does not mention the proposed Exit 4A Project; however, it has been considered in the Woodmont Commons PUD Master Plan (Pillsbury Realty Development, LLC, 2013). The Woodmont Commons PUD is planned on the east and west sides of I-93 near the Project. Based on discussions with the Town of Londonderry and the developer, the remainder of the Woodmont Commons PUD area (east and west of I-93) is anticipated to be built out by 2040. Additional discussion regarding Woodmont Commons is provided in Chapter 5.

4.3.2 Environmental Consequences

The following sections include a discussion of compatibility of the No Build Alternative and the Build Alternative with land use, zoning, and public policy. Residential acquisitions and business displacements are discussed in more detail in Section 4.7.2, *Socioeconomics*.

Land Use

No Build Alternative

Under the No Build Alternative, the Project would not be implemented, and no changes to land use attributable to the Project would occur. No impact on community facilities would occur.

Alternative A

Under Alternative A, approximately 41.45 acres of new ROW would be required, and these takes would include 14 residential acquisitions and 25 business displacements, most of which are located in a single office complex. Implementation of Alternative A would provide direct Interstate access to commercial and industrial lands and be compatible with existing and future commercial and industrial uses. It could be incompatible with existing and future residential land uses, but it would be more compatible than Alternatives B and C, which have more low density residential use along their alignments. The Salvation Army of Derry (18 Folsom Road) would be displaced by Alternative A. No other community facilities would be affected.

Alternative B

Under Alternative B, approximately 52.81 acres of new ROW would be required, and these takes would include 16 residential acquisitions and 11 business displacements. Residential acquisitions and business displacements are discussed in more detail in Section 4.7.2. Implementation of Alternative B would provide direct Interstate access to commercial and industrial lands and be compatible with existing and future commercial and industrial uses. It would be incompatible with existing and future residential land uses. No impacts on community facilities would occur.

Alternative C

Under Alternative C, approximately 53.35 acres of new ROW would be required, and these takes would include 13 residential acquisitions and 2 business displacements. Residential acquisitions and business displacements are discussed in more detail in Section 4.7.2. Implementation of Alternative C would provide improved access to commercial and industrial lands and generally be compatible with existing and future commercial and industrial uses. It would be incompatible with existing and future residential uses. No impacts on community facilities would occur.

Alternative D

Under Alternative D, approximately 43.20 acres of new ROW would be required, and these takes would include 2 business displacements (see Section 4.7.2). No residential acquisitions or impacts on community facilities would occur under Alternative D. Implementation of Alternative D would provide improved access to commercial and industrial lands and generally be compatible with existing and future commercial and industrial uses. It could be incompatible with existing and future residential use, but it would be more compatible with residential use than Alternatives B and C, which have more low density residential use along their alignments. No impacts on community facilities would occur.

Alternative F

Under Alternative F, approximately 1.170 acres of new ROW would be required. Although no residential acquisitions would be required, Alternative F would result in 16 business displacements. These displacements are discussed in more detail in Section 4.7.2. Implementation of Alternative F would be incompatible with existing residential and commercial land uses and incompatible with future local planning goals for downtown Derry businesses. No acquisitions of community facilities would occur.

Zoning

No Build Alternative

Under the No Build Alternative, the Project would not be implemented, and no changes to zoning attributable to the Project would occur.

Build Alternatives

As described in Chapter 5, *Indirect Effects and Cumulative Impacts*, presently, the Town of Derry is undertaking a study to determine whether to rezone several residential properties along North High Street currently zoned as medium-high density residential to an industrial zoning

4.2.3 Mitigation

The Project is needed to address projected 2040 traffic volumes and would result in beneficial effects along NH 102 and at nearby intersections. Anticipated future traffic demand is addressed through the design of the project, and through the Town of Londonderry's site plan review process for each development phase of the Woodmont Commons PUD. As a result, no additional traffic mitigation is proposed.

4.3 Land Use, Zoning, and Public Policy

This section addresses land use, zoning, and public policy. Parks, recreational resources, and conservation lands are discussed in Section 4.19.

Transportation projects may affect land use both directly and indirectly. Direct land use impacts may include changes in land use from ROW acquisition and residential and/or business displacements to accommodate new or expanded transportation facilities. Changes in land use because of a transportation project, or the transportation project itself, may be inconsistent with future land use plans and goals put forth in municipal and regional plans and regulations. Finally, transportation projects may influence the location and form of future development by making some areas relatively more accessible and therefore more attractive for development. This type of induced growth effect, along with related potential impacts on land use patterns and environmental resources, is evaluated in Chapter 5.

4.3.1 Affected Environment

In NH, land use is regulated at the local level by municipalities through zoning and subdivision regulations. Zoning ordinances regulate land uses by area and the type and form of built improvements allowed within each land use. Subdivision ordinances seek to control the density of development on new parcels of land. Land use can also be influenced by other public policy goals expressed as part of land use, transportation, and infrastructure planning processes.

Current land use and zoning conditions were identified using GIS datasets of land use by tax parcel and zoning district boundaries provided by the Towns. In addition, the data were supplemented with reference to the Towns' zoning ordinances (Town of Derry, 2016a; Town of Londonderry, 2016). The study area for the analysis of direct effects to land use was defined as the land area within 500 feet of the proposed alternative alignments, which corresponds to the study area for direct effects to noise levels (Figure 4.3-1). Field visits and windshield surveys were used to verify land use conditions.

Land use policies and plans for the Project area were identified through a review of the following comprehensive and master plans:

- Master Plan of Derry (Town of Derry, 2010)
- Comprehensive Master Plan of Londonderry (Town of Londonderry, 2013)
- Southern New Hampshire Planning Commission's Moving Southern New Hampshire Forward: 2015-2035 Regional Comprehensive Plan (SNHPC, 2014)

This section summarizes land use and zoning along the Build Alternative corridors (A, B, C, D, and F), as well as municipal land use plans in Derry and Londonderry. Regional land use patterns and land use policies are discussed in Chapter 5, *Indirect Effects and Cumulative Impacts*.

Land Use

Land uses along Alternatives A, B, C, and D include commercial, industrial, single-family and multi-family residential, institutional, civic, and open space. Alternative F runs along NH 102 through downtown Derry, and the land uses are primarily commercial and residential with other uses including institutional, civic, recreational (golf course), and industrial. Land uses along the alignments are described in more detail in the following sections and shown in Figure 4.3-1.

Alternative A

Between I-93 and the Londonderry-Derry town boundary, land use is open space/undeveloped; however, the land is slated for future development as part of the Woodmont Commons PUD. From the town boundary along Madden Road, land use is a combination of single-family residential and industrial. The alignment crosses a planned future segment of the Rail Trail adjacent to the Madden Road intersection (see Section 4.19). After the intersection of Madden Road and North High Street, land use on the north side of North High Street is commercial, and land use on the south side of North High Street is residential (single- and multi-family) with a small area of open space adjacent to the curve of North High Street. East of the Franklin Street intersection, North High Street becomes Folsom Road. Land use along Folsom Road between Franklin Street and Claremont Avenue is single- and multi-family residential with one undeveloped parcel. Between Claremont Avenue and Crystal Avenue (NH 28), land uses are commercial and civic north of Folsom Road and single-family residential and commercial south of Folsom Road. The civic use is associated with the Greater Derry Salvation Army (18 Folsom Road), which serves the Towns of Derry, Londonderry, and Windham. At Crystal Avenue, Folsom Road becomes Tsienneto Road. Between Crystal Avenue and North Main Street (NH 28 Bypass), land uses on the north side of Tsienneto Road are industrial and undeveloped, while land uses on the south side are commercial, multi-family residential, and undeveloped. East of North Main Street to the eastern project terminus at Chester Road (NH 102), land uses along the north side of Tsienneto Road are institutional, commercial, civic, and single- and multi-family residential, with a few small parcels of undeveloped land. Land uses on the south side of Tsienneto Road are mainly single- and multi-family residential, with one parcel in institutional use adjacent to North Main Street and two parcels in commercial use near NH 102. The Greater Derry Salvation Army is the only community facility along the alignment for Alternative A.

Alternative B

Between I-93 and the Londonderry-Derry town boundary, land use is open space/undeveloped; however, the land is slated for future development as part of the Woodmont Commons PUD. From the town boundary, Alternative B continues to traverse undeveloped land and the planned future segment of the Rail Trail (see Section 4.19) until it reaches the Franklin Street Extension. Along B Street between the Franklin Street Extension and Manchester Road (NH 28), land uses north of B Street are primarily commercial and industrial with a small area of undeveloped land near the Franklin Street Extension. Land uses south of B Street are primarily commercial and industrial with a small area of residential use along the Franklin Street Extension. Between NH 28 and North Main Street (NH 28 Bypass), land uses near NH 28 are commercial and industrial, and then they transition to open space/undeveloped land and single-family residential as the alignment for Alternative B approaches North Main Street. Between North Main Street and Scenic Drive, land uses on the north side of the alignment are single-family residential,

undeveloped land, and commercial. Land uses on the south side of the alignment are single-family residential, civic, undeveloped, and commercial. East of Scenic Drive, land uses along the alignment are primarily undeveloped land and single-family residential with small areas of commercial use at the project terminus (Chester Road/NH 102). Along the alignment for Alternative B, there are no community facilities.

Alternative C

Between I-93 and Rockingham Road (NH 28), land use along the north side of the alignment for Alternative C is a combination of open space/undeveloped, commercial, industrial, and single-family residential. Land use on the south side of the alignment is primarily open space/undeveloped, with a small area of single-family residential, commercial, and industrial uses near Rockingham Road. As the alignment travels along Rockingham Road to the intersection with Seasons Lane, land uses are undeveloped land and single-family residential. At the Rockingham Road/Seasons Lane intersection, NH 28 becomes Manchester Road, and the roadway (and alignment) crosses the Londonderry Rail Trail (see Section 4.19). Along NH 28 south of Seasons Lane, land use is primarily commercial, with areas of single-family residential, institutional, and civic (municipal) uses west of Scobie Pond Road. South of Ashleigh Drive, the alignment for Alternative C joins the alignment for Alternative B. Between Manchester Road (NH 28) and Chester Road (NH 102), land uses along Alternative C are the same as those described for Alternative B. Along the alignment for Alternative C, there are no community facilities.

Alternative D

From I-93 to Rockingham Road (NH 28) south of Ashleigh Drive, the alignment for Alternative D follows the alignment for Alternative C. South of Ashleigh Road, Alternative D continues along NH 28 to Tsienneto Road. Land uses along this portion of the alignment are commercial and industrial, with a small area of undeveloped land near Ashleigh Drive and civic land use on the northwest corner of the intersection of Crystal Avenue and Folsom Road. At the intersection between Crystal Avenue (NH 28) and Folsom Road/Tsienneto Road, Alternative D joins the alignment for Alternative A. Along Tsienneto Road, from Crystal Avenue to Chester Road (NH 102), land uses along the alignment for Alternative D are the same as those described for Alternative A. Along the alignment for Alternative D, there are no community facilities.

Alternative F

Alternative F includes improvements to Broadway (NH 102) in Derry between Londonderry Road/St. Charles Street and North/South Main Street (NH 28 Bypass). Along NH 102, between the western project terminus and the intersections of Broadway with Elm Street and West Everett Streets, land uses are single- and multi-family residential and commercial, with one parcel in institutional use at the NH 102/West Everett Street intersection. Between West Everett Street and Central Street, land uses are a combination of commercial, residential (single- and multi-family), and civic uses. NH 102 crosses the Rail Trail (see Section 4.19). Between Central Street and the intersection of NH 102 with Boyd Road and Fenway Street, land uses include a combination of commercial, institutional, and multi-family residential. Between Boyd Road and Hood Kroft Drive, land use is residential (single- and multi-family) and recreational. The recreational parcel is a golf course (Hoodkroft Country Club) and is discussed in more detail in Section 4.19. Between Hood Kroft Drive and the eastern project terminus, land uses are a combination of

Table 4.2-17. Comparison between No Build and Alternative F Intersections Analysis

Location		No Build		Alternative F	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1	Exit 4 SB Off-Ramp/NH 102	D	F	D	E
2	Exit 4 NB Off-Ramp/NH 102	E	F	E	F
3	Exit 5 SB Off-Ramp/NH 28	E	C	E	C
4	Exit 5 NB Off-Ramp/NH 28	D	D	D	D
5	NH 102/Londonderry Road	B	E	B	C
6	NH 102/Fordway	C	D	C	C
7	NH Routes 102/28	D	D	C	C
8	North High Street/Ash Street Extension ^a	F	F	D	F
9	North High Street/Madden Road ^a	D	F	D	E
10	North High/Folsom/Franklin Streets ^a	B	D	B	F
11	Ross' Corner (Folsom/NH 28)	F	E	C	D
12	Tsienneto Road/Pinkerton Street ^a	C	F	F	F
13	NH 28/Linlew Drive	B	B	B	B
14	NH 28/Ashleigh Drive	B	C	B	C
15	NH 28/Scobie Pond Road ^a	F	D	D	F
16	NH 102/NH 28 Bypass/East Derry Road ^b	D	F	E	F
17	NH 28 Bypass/Pinkerton/Nesmith ^a	A	A	D	E
18	NH 28 Bypass/Tsienneto Road	E	F	C	C
19	NH 102/Tsienneto Road ^a	C	F	C	F
27	NH 102/English Range Road ^a	N/A	N/A	C	D

- Note: Green shading represents improving from operating at a failing LOS to operating at an acceptable LOS; red shading indicates moving from an acceptable LOS to a failing LOS.
- ^a Unsignalized intersections do not have an overall LOS; therefore, worst-case approach LOS is reported.
 - ^b Roundabout analysis based on HCM 6 procedure.

Alternative F would minimally change vehicle trip patterns. Under Alternative F, freeway impacts would continue to occur at Exit 4 as the I-93 NB on-ramp from NH 102 would continue to queue into NH 102, seven study area intersection operations would improve, and two study area intersections would worsen. Therefore, this alternative would not result in significant impacts on the freeway and would result in beneficial impacts (seven improved versus three worsened) to the study area intersections.

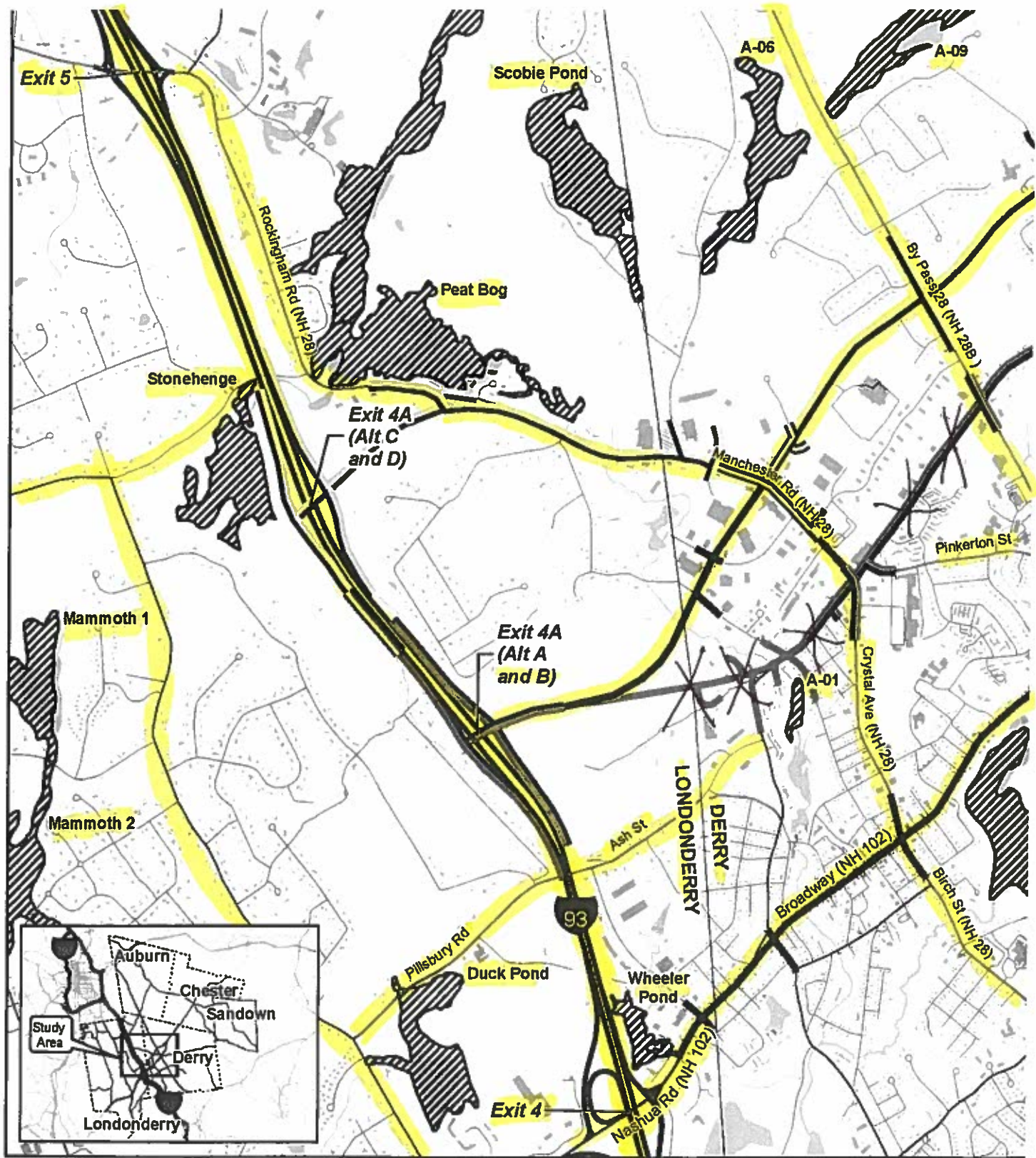


Figure 4.12-2. Prime Wetlands

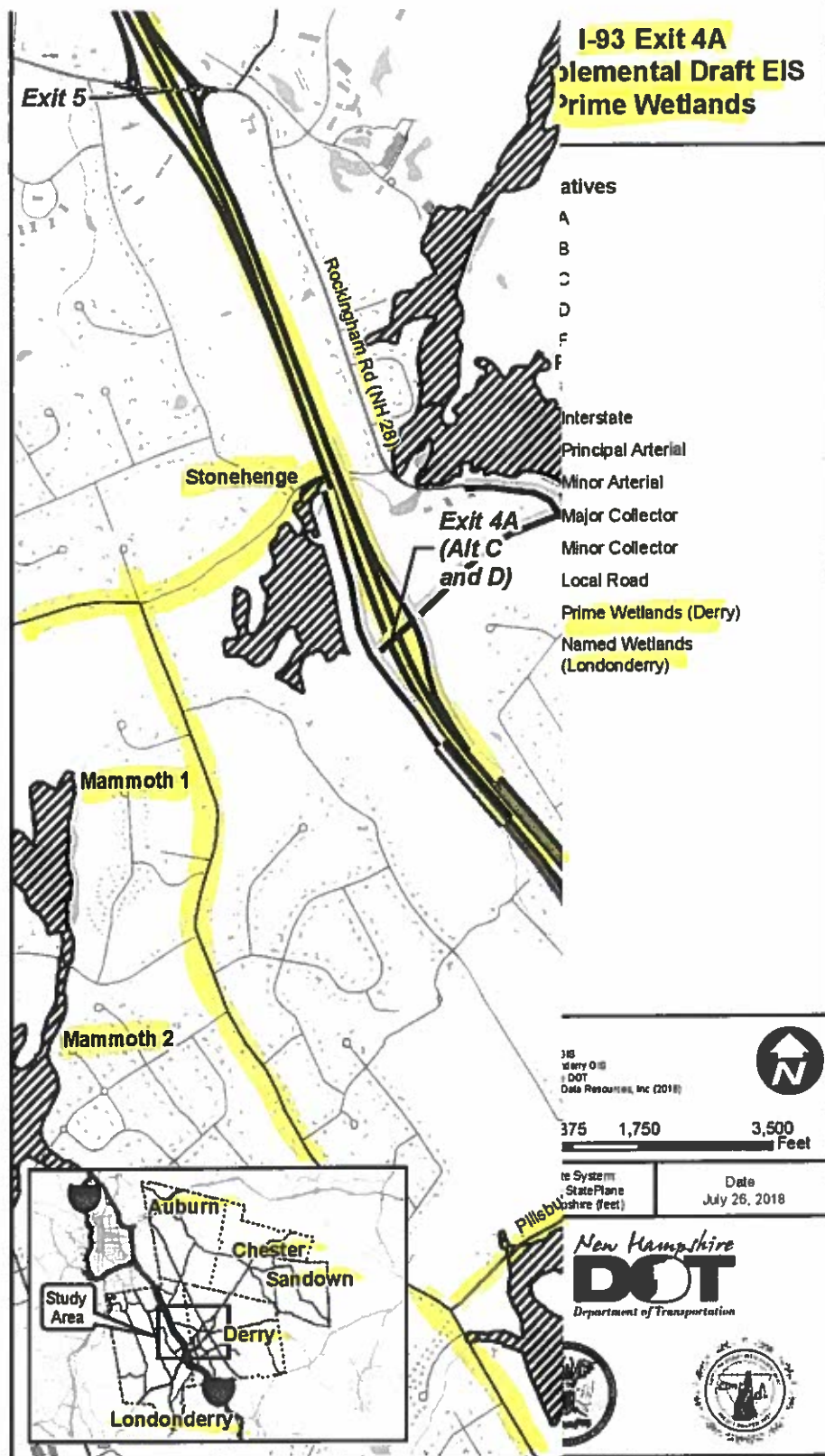
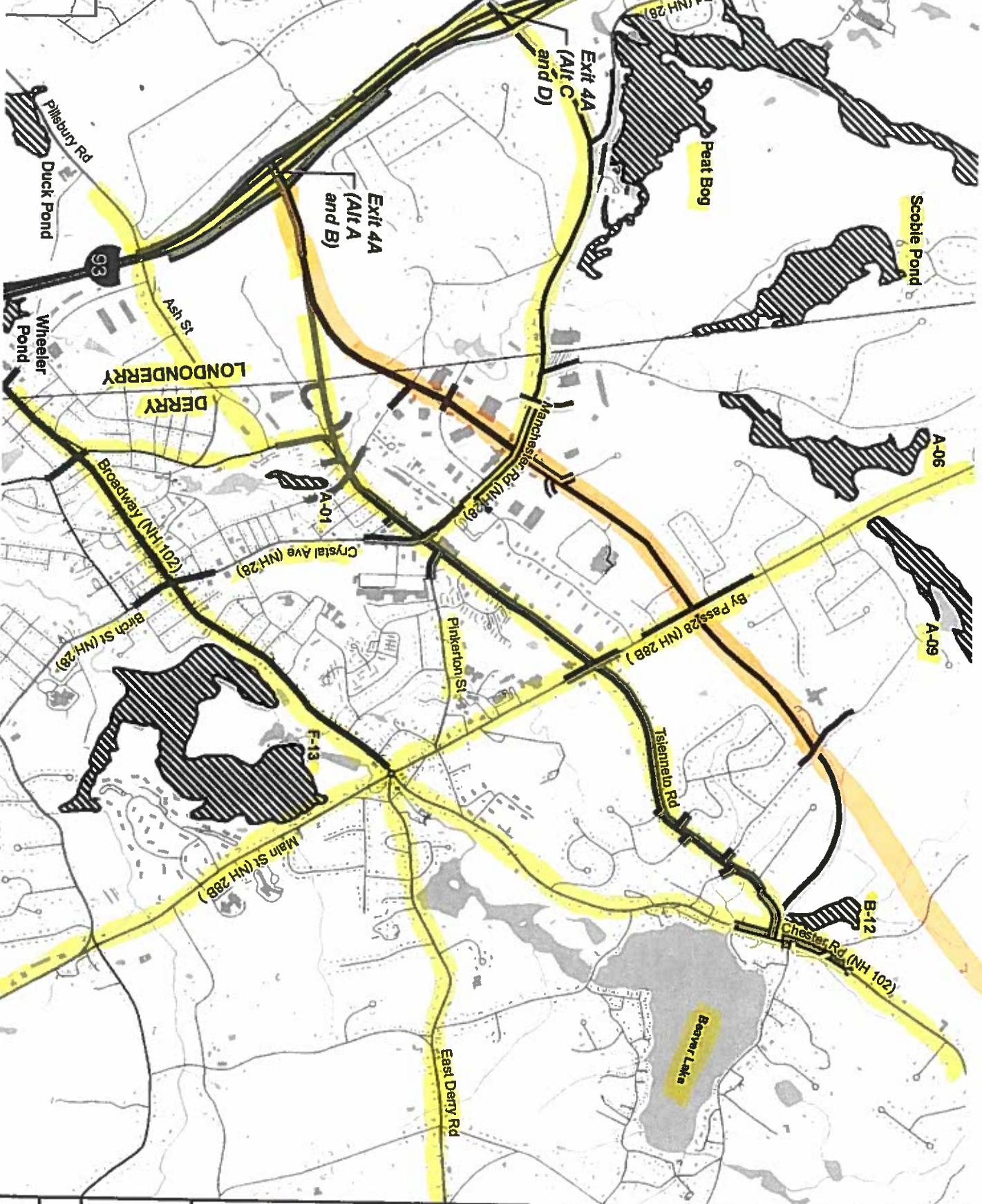


Figure 4.12-2. Prime Wetlands



**I-93 Exit 4A
Supplemental Draft
Prime Wetlands**

- Alternatives**
- A
 - B
 - C
 - D
 - F
- Roads**
- Interstate
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local Road

- Prime Wetlands (Derry)
- Named Wetlands (Londonderry)

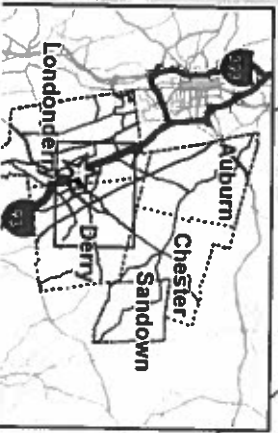
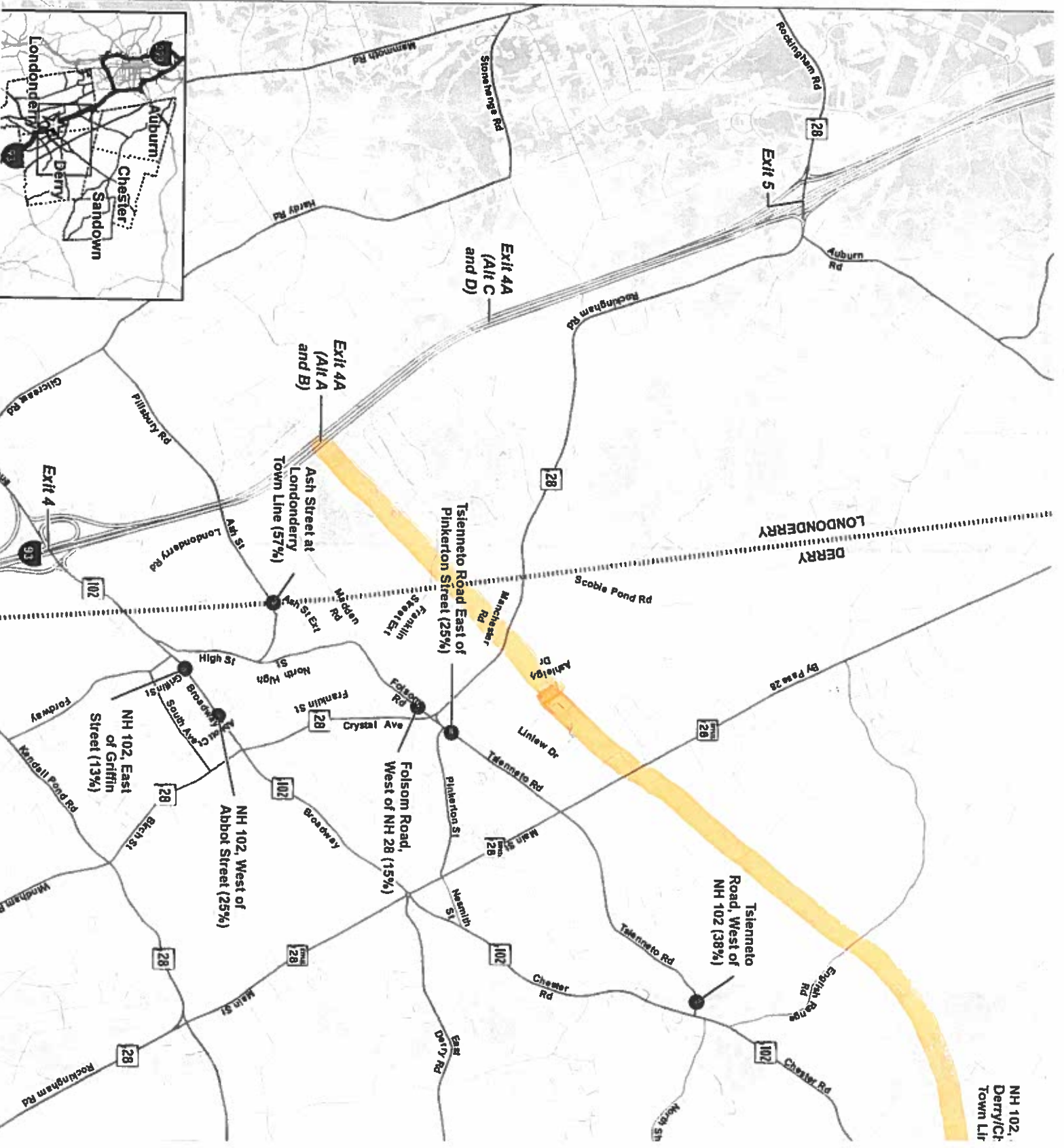
THE ROUTE SHOWN IN ORANGE SHOULD BE THE DEFERRED, THE ROUTE

Source: CAD Systems, Inc. for New Hampshire Dept. of Transportation (NH DOT), Environmental Data Resources, Inc. (EDR), Inc. 06/01/01

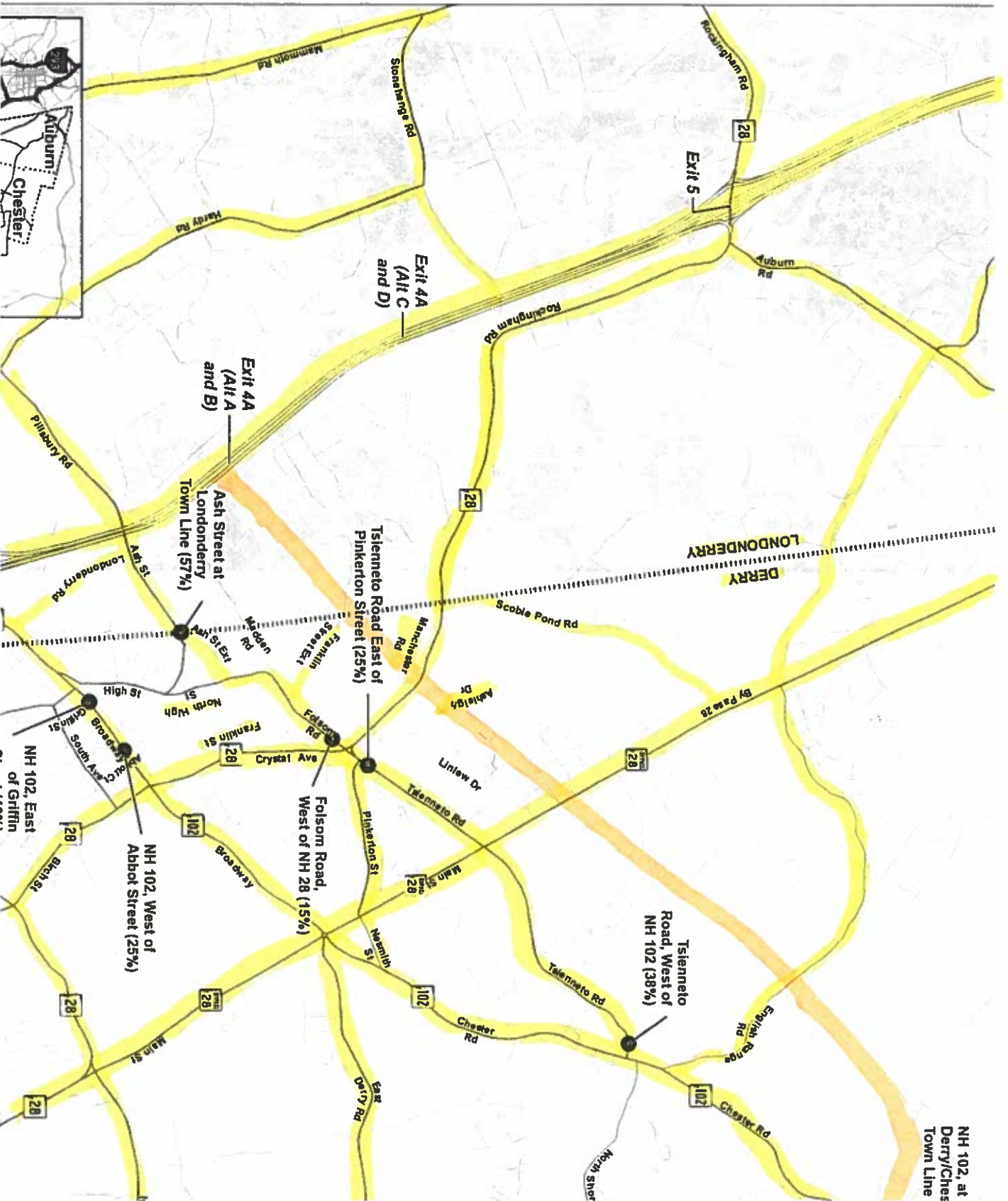
Coordinate System: NAD 1983 StatePlane New Hampshire (feet)

Date: July 26, 201

Scale: 0 875 1,750 3,5



NH 102,
Derry/Chester
Town Line



NH 102, at Derry/Ches Town Line

DEC 17 2018
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Peter Stemnas, *PKS 12/18/18*

I would like to request a full early acquisition on my property at 34B Trolley Lane, Londonderry, N.H.

1

We have been owners of this property for the last 16 years. On July 2016, we met with Keith Cota and some of his staff at our home regarding Exit 4A and how it would affect our home and in the meantime our lives have been on hold. It's been very stressful dealing with the construction and the noise that goes with it with widening of Highway 93, the last 2 years.

2

April through October of this year 2018, we have been dealing with bulldozers, loud drilling noise which is right in our back yard for 6 days a week especially midnight to 5 o'clock in the morning and back again the next day at 6 o'clock in the morning until 4:30 p.m.

We have one child that will be starting elementary school in August of 2019. Londonderry has three elementary schools base on the location of your home property which is where my child would go. This also can be very stressful for a child not knowing where he will be starting school.

3

We would like anyone on the Board to take this matter into consideration, if we can be one of the first families can start in March of 2019 with early acquisition process.

Sincerely,

Keith Cota

Fireye Inc.
3 Manchester Road
Derry, NH 03038
Tel 1603.432.4100 Fax 603.4321570
www.fireye.com



December 12, 2018

The Chairperson of the Special Committee
c/o Peter Stamnas – Director of Project Development
The State of New Hampshire
Department of Transportation
P.O. Box 483
Concord, NH 03302-0483

RE: File Number: NAE-2005-03061

To whom it may concern:

Please accept this letter of concern on behalf of Fireye, Inc. for inclusion in the official record of the above mentioned project.

A representative of Fireye was in attendance at the Public Hearing held on December 5, 2018 at West Running Brook Middle School in reference to the I93 Exit 4a project. Our understanding as a result of that meeting is that the execution of the proposed plan will encroach approximately 5-8 feet onto the existing Fireye property; effectively moving the road that much closer to our office building. It is our further understanding that there will be a center median installed running North the length of the expanded Tsienneto Road to the traffic lights at Main Street. We understand this will be a solid median strip with no turning breaks in the median strip at Fireye’s entrances.

1

Assuming our understandings are correct, we have the following issues/concerns with the project and the negative impact it will have on Fireye’s property and operations. These concerns are separate and apart from any and all issues related to compensation for any taking of Fireye property, either permanent or temporary, which we will address separately once we are contacted by any appraiser or provided with the DOT’s offer of compensation.

Safety – Currently there are 16 feet from the edge of our garden and front door walkway to the edge of the sidewalk. The above proposal could possibly consume half of that distance causing vehicles to be travelling in an unsafe proximity to our building. Over the past 20+ years we have had several accidents and vehicles end up on our front lawn area. Being 5-8 feet closer would only increase the safety risk. In fact, the day of this town meeting we had a vehicle hit our building. I have attached a picture below. For a point of reference, the pole that was hit is 30 feet from the edge of the sidewalk. The garden in the picture is by our front walkway and measures 16’ to the sidewalk as mentioned above.

2

RECEIVED
COMMISSIONERS OFFICE

DEC 14 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION



Traffic flow – Currently, the majority of vehicles (98+%) that come to Fireye utilize our Tsienneto Road entrance. This traffic flow includes a high volume of large, 18 wheeled trucks. This proposal calls for a solid, median strip up the center of Tsienneto Road. Consequently, this would limit access to our Tsienneto Road entrance to vehicles travelling westbound only on Tsienneto Road. Many of our large trucks, as well as employees, use exit 5 off 93 because they come from the north on Route 93 or from the west from Route 293. As they travel south on Rt 28 (Manchester Road) towards Fireye they will have difficulty getting into our shipping and receiving docks and/or parking lots. The lights at the intersection of Folsom Rd/Tsienneto Rd/Manchester Rd and Crystal Ave will be too tight for trucks travelling southbound on Manchester Road to make a U-turn (assuming it will be allowed at that intersection) and use our Manchester Road entrance. Assuming a U-Turn is allowed, it may cause congestion for employees and guests travelling in this same southbound direction if they try to maneuver this turn on a daily basis. Additionally, it will cause employees and guests to cross truck traffic at our shipping/receiving docks. As a result, traffic travelling southbound on Manchester Road will be forced to make a left at the lights, then take a right onto Pinkerton Street, and then make a left on Main Street, then make another left on Tsienneto Road. Many trucks come in the afternoon and this may interfere with school traffic on Pinkerton Street and Main Street. Employees arriving and leaving the Fireye plant would likely interfere with school traffic as well.

Noise – The traffic being within 10 feet of our office area in the front of our building is likely to cause additional traffic noise. It may be necessary to upgrade insulation and windows in this area of the building. Our purchasing, planning and accounting offices sit along this window and employees spend a large portion of their day on the phone. This increased background noise would be bothersome and potentially affect our operations or workers' health and welfare.

4

Pollution or emissions – With the traffic moving closer to the building and the location of our air in-take units on the roof, it is possible that there may be an issue related to increased automobile emissions/fumes in the office area.

5

Construction time – Although this will not be a permanent issue, we believe there will be severe disruption to our employees, customers, vendors and our shipping and receiving areas during the construction period.

6

As written in your public notice document, the project purpose is “to reduce congestion and improve safety along NH Route 102”. We believe the proposed plan will have a negative congestion and safety impact on Fireye and our business. We would appreciate any accommodations and/or changes that you could make to the outlined plan that would address and/or alleviate our concerns mentioned above.

7

Respectfully submitted,



John Devine
General Manager
Fireye Inc.

CC: UTC Legal Department
Michael C Hicks - US Army Corps of Engineers



TRINITY ASSEMBLY OF GOD

53 North Main St. , Derry, NH 03038
Rev. J. Stephen Earle, Pastor

(603) 434-0408
www.tagderry.net

RECEIVED
COMMISSIONERS OFFICE

DEC 20 2018

PES 12/20/18

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

The Chairperson of the Special Committee
c/o Peter Stamnas, Director of Project Development
The State of New Hampshire Department of Transportation
P.O. Box 483
Concord. NH 03302-0483

December 19, 2018

Dear Mr. Stamnas.

I'm writing concerning the planned Exit 4A that will impact our properties in Derry, NH. Our church owns 2 properties that border Tsienneto Rd. Our 53 N. Main St. property is located at the intersection of N. Main St. (By-Pass 28) and Tsienneto Rd. It consists of approximately 7 acres and currently has open space on the south side of our Family Life Center which is planned for future building and development. Your proposed plan would consider using a sizeable portion of this area for accommodating runoff and drainage from the changes made at the intersection of Tsienneto and N. Main. This would seriously affect our plans for the proposed future use of our property.

1

The other property we have is located at 90 Tsienneto Rd. near the intersection of Tsienneto and Chester Rd. (Route 102). It is approximately 27 acres. However, we only have about 60 ft. on Tsienneto for access. The road to enter our property lies next to the stream from the wetlands that runs under the road. In the recent meeting at West Running Brook Middle School we were told the state is considering building a bridge at that point that would in effect run by our land and would prevent us from entering our property at the only point of access we have.

2

With these issues in mind, I trust you will consider the potential negative impact your proposed changes will have on our church. I would be interested in talking with you further about how you might be able to work with us in resolving our concerns and at the same time satisfy the objectives you have for this project.

Sincerely,

Rev. J. Stephen Earle, Pastor

P5

Mr. Stamna *PAS 12/10/18*
Project Manager Exit 4 A
December 6, 2018

RECEIVED
COMMISSIONERS OFFICE
DEC 10 2018
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

In response to the meeting held in Derry NH on December 5 relative to exit 4A in Derry,
I have some concerns. Currently I rent my home at 5 Folsom Rd., so I would like to know
what is happening time wise for the renters and for myself because the lease ends in April 2019.

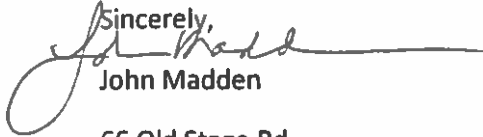
1

My first concern is the safety of backing out of my driveway into a three lane highway. This road
currently has some safety issues, but with the exit they will triple. No signal light will eliminate
this issue. I also find fault with the one way concept, whereby while backing up out of the
driveway I must go right. This is a safety and inconvenience issue.

2

After the safety concerns, my other big issue is the devaluation of my property. A neighborhood
is being completely overturned and will become a corridor of traffic and speed. No person with
children would even consider this property. My question what does the state do about this
issue? Traffic lights will not increase safety. The exit will devalue my property severely and the
six lanes exit will be a complete tragedy to future residential sales and the home owners with
driveway issues puts themselves in dangers way while exiting their homes. The valuation is an
important issue because in the nearby future my wife and I may decide to sell because of our
age. I am hoping resolution to my above issues can be solved and remedied.

3

Sincerely,

John Madden
66 Old Stage Rd.
Litchfield NH 03052

Cota, Keith

From: Hicks, Michael C CIV USARMY CENAE (USA) <Michael.C.Hicks@usace.army.mil>
Sent: Tuesday, December 18, 2018 1:42 PM
To: Cota, Keith
Subject: FW: [Non-DoD Source] Exit 4A Derry, NH

Keith,

Below is another comment from a citizen on Tsienneto Road.

Thanks,
Mike

Michael Hicks, PM
USACE, REG DIV., BR. C
978-318-8157

-----Original Message-----

From: Emily Sanroma [mailto:emilysanroma@gmail.com]
Sent: Thursday, December 13, 2018 3:08 AM
To: Hicks, Michael C CIV USARMY CENAE (USA) <Michael.C.Hicks@usace.army.mil>
Subject: [Non-DoD Source] Exit 4A Derry, NH

Good morning,

I am writing to you in concern about the Derry, NH exit 4A project. I have lived at 60 Tsienneto Rd, Derry NH for my whole life and I am concerned about this project effecting our home. Will this project be taking my home away? I think it is very inconsiderate to the Derry residents to take away their homes for benefit of commuters.

Sincerely,
Emily Sanroma

1

6 Dec. 2018

Mr. Stannos,

Enclosed you will find SMARTS
Back and Forth with Mr. Bean -

He has told **RECEIVED** Send This
COMMISSIONERS OFFICE
To you. -
DEC 10 2018

My home is at 134 Chester Rd (see photo)
Due to The increase of Traffic and
speeding, I am hopeful That you will
help me with signs That say -
(Blind Corner) & Slow down - (Slow)

I am in hopes that you will
do something to help me out. I have
lived here for 35 or more years -
now with Exit 4A The Traffic

will increase and so will The
Speeding (see my letters to Mr. Bean) ←

They say it all -

Thank you for your time
and I'm hoping your help -

Glen R Sarcowicz
134 Chester Rd
Derry NH

603.421.2927

03038

ELEANOR SARCIONE <eleanorsarcione@comcast.net>

12/4/2018 4:04 PM

photos for 102 & Tsienneto Rd

Good Afternoon Chris,

I know we are meeting at West Running Brook School on the 5th (tomorrow) and I'd like to see a copy of this intersection.

The traffic is awful and that's being kind. I live on 102 which is Chester and am nearly killed every time I pull out of my driveway. I need a sign, actually 2 signs on East and one west as they will get me for sure once this is under way.

I'm hoping this signage can be done way ahead of this exit 4A.

Its my understanding there will be traffic lights. That should be interesting.

I have the Derry PD the State Police and Rockingham County Sherriff Depts. telling me I live on the worst blind corner in the state and the traffic is steadily increasing each day as new construction in Raymond and Chester are bringing in more people and thus more cars whizzing by drive ways. I have a Horse shoe drive way.

I'm hoping you'll have time to send me the photos and maybe help me out at the same time.

I have lived here Over 35 years and am a widow who would like to live a little longer.

Thanks for your time and I'll see you at WRB School.

My Best regard's.

Ellie Sarcione

134 Chester Rd. rt 102

Derry NH

432-3737

Re: Exit 4A, Inquiry from 134 Chester Road Resident

ELEANOR SARCIONE <eleanorsarcione@comcast.net>
To Christopher Bean

12/4/2018 9:52 PM

Thank You so much.

I know how busy you are with this project. This has been talked about for over 30 years.

I shall call you as you said I am some what up the road from this BUT I still will get the full impact as the traffic has to go by my home as 102 is the only road that runs East and West, It is a heavily traveled road and not getting any better

I look forward with any help you can give me as I'm not having any luck with the other departments. The State does not want to put up signs. Its like pulling teeth, so anything you can tell me that will help me I will forever be grateful.

I do not wish to be crushed to death by a motor vehicle or an 18 wheeler.

You'd have to see where I am to understand how fast these people drive and the many fatalities that have happened between Tsienneto and Old Auburn Road,

I have been a first responder many times right in front of my home and am there to help before the police or any other assistance arrives be it fire, police or ambulance.

I look forward to talking with you and will call you.

By the way. I am 79 yrs. young and would like to continue on this journey of life as long as is possible

Again, Thank You so much, Bless you for your response to me.

Ellie Sarcione

On December 4, 2018 at 4:54 PM Christopher Bean <CBean@fando.com> wrote:

Eleanor,

Thank you for your email.

Attached is a copy draft hearing plan showing the easterly end of the Exit 4A project. As you can see, the Exit 4A proposed improvements along NH 102 end approximately 500 feet east of English Range Road. Your property is located further to the east on NH 102, beyond the limits of the Exit 4A project. I will be calling you to discuss.

Christopher Bean <cbean@fando.com>

12/5/2018 2:38 PM

RE: Exit 4A, Inquiry from 134 Chester Road Resident

To ELEANOR SARCIONE <eleanorsarcione@comcast.net> Copy Christopher Bean <cbean@fando.com>

For your use....Chris

Christopher R. Bean, PE

Senior Vice President | Regional Manager

Fuss & O'Neill, Inc | 540 North Commercial Street | Manchester, NH 03101

603 668 8223 x2102 | cbean@fando.com | cell: 603.315.7775www.fando.com | [twitter](#) | [facebook](#) | [linkedin](#)**From:** Christopher Bean**Sent:** Tuesday, December 04, 2018 4:54 PM**To:** ELEANOR SARCIONE**Cc:** Christopher Bean**Subject:** Exit 4A, Inquiry from 134 Chester Road Resident

Eleanor,

Thank you for your email.

Attached is a copy draft hearing plan showing the easterly end of the Exit 4A project. As you can see, the Exit 4A proposed improvements along NH 102 end approximately 500 feet east of English Range Road. Your property is located further to the east on NH 102, beyond the limits of the Exit 4A project. I will be calling you to discuss.

Chris

Christopher R. Bean, PE

Senior Vice President | Regional Manager

Fuss & O'Neill, Inc | 540 North Commercial Street | Manchester, NH 03101

603 668 8223 x2102 | cbean@fando.com | cell: 603.315.7775www.fando.com | [twitter](#) | [facebook](#) | [linkedin](#)**From:** ELEANOR SARCIONE [<mailto:eleanorsarcione@comcast.net>]**Sent:** Tuesday, December 04, 2018 4:08 PM**To:** Christopher Bean**Subject:** Fwd: photos for 102 & Tsienneto Rd

----- Original Message -----

From: ELEANOR SARCIONE <eleanorsarcione@comcast.net>

To:

Date: December 4, 2018 at 4:04 PM

Subject: photos for 102 & Tsienneto Rd

Good Afternoon Chris,

I know we are meeting at West Running Brook School on the 5th (tomorrow) and I'd like to see a copy of this intersection.

The traffic is awful and that's being kind. I live on 102 which is Chester and am nearly killed every time I pull out of my driveway. I need a sign, actually 2 signs on East and one west as they will get me for sure once this is under way.

I'm hoping this signage can be done way ahead of this exit 4A.

Its my understanding there will be traffic lights. That should be interesting.

I have the Derry PD the State Police and Rockingham County Sherriff Depts. telling me I live on the worst blind corner in the state and the traffic is steadily increasing each day as new construction in Raymond and Chester are bringing in more people and thus more cars whizzing by drive ways. I have a Horse shoe drive way.

I'm hoping you'll have time to send me the photos and maybe help me out at the same time.

I have lived here Over 35 years and am a widow who would like to live a little longer.

Thanks for your time and I'll see you at WRB School.

My Best regard's.

Ellie Sarcione

134 Chester Rd. rt 102

Derry NH

432-3737

- 134 Chester Road Derry.PNG (2 MB)

RE: Exit 4A, Inquiry from 134 Chester Road Resident

Hide Ad

Christopher Bean <cbean@fando.com>

12/5/2018 2:38 PM

To: ELEANOR SARCIONE Copy Christopher Bean

1 attachment View Download

For your use... Chris

Christopher R. Bean, PE
Senior Vice President | Regional Manager
Fuss & O'Neill, Inc | 540 North Commercial Street | Manchester, NH 03101
603 668 8223 x2102 cbean@fando.com (mailto:cbean@fando.com) cell 603 315 7775
www.fando.com (http://www.fando.com) | twitter (https://twitter.com/fandoinc) | facebook (https://www.facebook.com/fandoinc) | linkedin (https://www.linkedin.com/company/fuss-&-o'neill)

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Sent: Tuesday, December 04, 2018 4:54 PM
To: ELEANOR SARCIONE
Cc: Christopher Bean
Subject: Exit 4A, Inquiry from 134 Chester Road Resident

Eleanor,

Thank you for your email

Attached is a copy draft hearing plan showing the easement improvements along NH 102 end approximately 500 feet on NH 102, beyond the limits of the Exit 4A project. I will

Chris

Christopher R. Bean, PE
Senior Vice President | Regional Manager
Fuss & O'Neill, Inc | 540 North Commercial Street | Manchester, NH 03101
603 668 8223 x2102 cbean@fando.com (mailto:cbean@fando.com) cell 603 315 7775
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From: ELEANOR SARCIONE [mailto:eleanorsarcione@comcast.net]
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I have lived here Over 35 years and am a widow who would like to live a little longer.

My Home is in The Circle Blind Corner etc

Ad Info //my.xfinity.com/adinformation/ Ad Feedback //ipr...
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2e52b426622b&IID=1&source=107

Michael Speltz
18 Sugar Plum Lane
Londonderry, NH 03053

6 December 2018

Chairperson of the Special Committee
c/o Peter Stamnas, Director of Project Development
The State of NH Dept. of Transportation
P.O. Box 483
Concord, NH 03302-0483

RECEIVED
COMMISSIONERS OFFICE

DEC 10 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Stamnas,

The intent of this letter is to provide public comment on the Supplemental Draft Environmental Impact Statement (SDEIS) prepared for the I-93 Exit 4A project, FHWA EIS # FHWA-jjNH-EIS-07-01-DS.

Vernal Pools

The preferred alternative, while having less impact to wetlands overall, has the greatest impact to vernal pools. The CFR provides for preservation of difficult-to-replace resources, which category includes vernal pools, in cases where avoidance and minimization is not practicable.

332.3(3) For *difficult-to-replace resources* (e.g., bogs, fens, springs, streams, Atlantic white cedar swamps) if further avoidance and minimization is not practicable, the required compensation should be provided, if practicable, through in-kind rehabilitation, enhancement, or *preservation* since there is greater certainty that these methods of compensation will successfully offset permitted impacts. (emphasis added)

1

There are numerous, documented, high productivity vernal pools very near the project area on either side of the proposed connector road just after it leaves the new interchange ("Woodmont Commons East"). (See Figures 4.12-8 and -9 of the SDEIS for exact locations). Conserving a block of land containing vernal pools and appropriate buffers in this area could provide mitigation for the impacted vernal pools.

The vernal pool buffers, if protected, may also create mitigation credits for other impacted wetland types. Finally, if carefully chosen, the protected land may enhance the view shed from the rail trail, which crosses through this area, in the event this area is developed as described in the section on cumulative impacts.

2

While federal policy prefers in-lieu fee to permittee responsible mitigation, that preference is based largely on the higher risk of a project designed and executed by a private developer, whose incentives, skills, knowledge and land assets may not line up with the public interest. In this case, the permittee is the State of New Hampshire, which arguably enjoys greater conservation, project planning, and technical expertise within its DES and DOT than any other permittee, public or private, within the state. Furthermore, the mitigation I am proposing is within the subwatershed of Shields Brook, thus further supporting the federal requirement to locate the mitigation project within the impacted watershed.

3

Cumulative Impacts

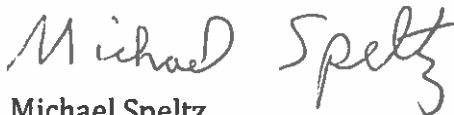
On page 5-22 of the draft, the following assumption is made in calculating the impervious footprint of commercial and institutional development in Woodmont Commons East under the build scenario:

- The 693,400 gsf of commercial development and 420,000 gsf of institutional development outlined in the PUD Master Plan is assumed to be built in 4-story buildings, which is the maximum height for commercial and institutional buildings as outlined in the Master Plan.

4

The assumption of all these developments occupying 4-story buildings is flawed. Approved construction planning for the "downtown" area of Woodmont Commons West calls for a mix of building heights, and the conservative assumption is that Woodmont Commons East will follow the same aesthetically pleasing pattern. The result is that the same amount of square feet of development can be assumed to occupy a greater number of structures with a greater footprint and consequently greater impervious surface impacts. A conservative assumption would be to assume that the commercial and institutional development will be housed in structures averaging two stories in height.

Thank you for considering these comments,



Michael Speltz

P9

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

DEC 27 2018

RECEIVED

12/18/18

Dear Chairperson of The Special Committee,

My name is Rochelle R Brown. I reside at 36A Trolley Car Lane, Londonderry NH 03053.

I am writing this letter regarding the proposed New I-93 Exit 4A project FED#IM-0931 (201), STATE # 13065, FHWA EIS# FHWA-NH-EIS-07-01-DS as suggested by Keith A. Cota, PE to request early acquisition of my property for hardship reasons.

I purchased my home as a foreclosure in August of 2007 and learned 3 days later about the exit 4A project. I have wanted to sell my home due to financial difficulties for several years but as you know I am not able to do that without full disclosure of this project. I am a single parent. I currently work one full time and two part-time jobs to maintain the large mortgage and taxes required to stay. I honestly, don't know how much longer I can hang onto this home while I wait for this project to begin. It's been a long eleven years of feeling utterly stuck by multiple project deadlines that have prevented me from making other residential choices that are far more economical for me and my daughter.

It is my understanding, that within the next month a representative from the ROW Bureau will be reaching out to both myself and my neighbors at 36B, 34L and 34R who will also be impacted by this highway project to review the appraisal process.

I look forward to hearing from you. Please do reach out to me either by phone (603) 845-6126 or by email raekab@gmail.com so I can be sure that you've received this letter.

Sincerely,



Rochelle R Brown

1

P10

December 19, 2018

Peter E. Stamnas
Director of Project Development
NH Department of Transportation
PO Box 483
Concord NH, 03302-0483

RECEIVED
COMMISSIONERS OFFICE
DEC 26 2018
THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Stamnas,

I have been a resident on Beaver Lake for five years. I am also a board member of the Beaver Lake Improvement Association (BLIA). I am writing you today to voice my concerns regarding the foreseeable negative impact of Beaver Lake due to the new construction effort of Exit 4A. Since the By-pass 28 to intersection of Tsienneto and Chester Rd. (Rte. 102) is part of Beaver Lake's watershed, I am very interested in understanding the plans to mitigate the environmental impact along Tsienneto Rd. The water quality of Beaver Lake is in a fragile state due to salt and run-off from the existing roads. The Town of Derry along with the State of NH have spent over \$3.3 million dollars turning Beaver Lake from a Eutrophic lake to a Mesotrophic lake. The residents are trying their best to keep the lake clean and alive. I ask that the Department of Transportation consider and respect the impact this project will have on the water quality of Beaver Lake and reveal their plans to help protect our vital lake.

Sincerely,



Richard Christian
22 Coles Grove Rd
Derry NH 03038

Peter E. Stannas
Director of Project Development
NH Department of Transportation
PO Box 483
Concord, NH 03302-0483

December 22, 2018

RECEIVED
COMMISSIONERS OFFICE

DEC 26 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Philip S. and Cheryl A. Fogg
37 Beaver Lake Avenue
Derry NH 03038-4050

Dear Sir,

My wife and I are retired professionals and residents of Derry NH on Beaver Lake for 42 years. We felt compelled to write to you with our concerns for the planned I-93 Exit 4A Project. Only recently have we been better informed about the impact it will have on the surrounding neighborhoods and the long term environmental effect on, specifically Beaver Lake.

Over the years we have seen a steady decrease in the quality of the lake, although it has been slowed considerably by a town sewage system, the state of NH, volunteer residents and the Beaver Lake Improvement Association. It is our understanding that the area east of by-pass 28 to the intersection off Tsienneto Road and Rte.102 has a plan to mitigate the environmental impact, which is mostly in the Beaver Lake watershed, however there appears to be no plan specifically for the lake. The tremendous increase in the amount of new road surface with the long term effect of salt, oil and sand run-off will only exasperate the high level of chloride and low clarity of the water. | 1

The dangerous increase of traffic from the multitude of new residential building projects south and east of Derry has decreased the quality of life around the lake. There is already too much traffic and excessive speed for these narrow roads that are already maxed out in width and extremely close to the road. It has become dangerous for kids to play in the street or for anyone to walk around the lake. North Shore Road is used as a highway shortcut by nonresidents of the lake and on Beaver Lake Avenue, a shortcut to nowhere, the risk of a head on collision is a constant risk. | 2

These are our concerns for this project. Since there is no mention of an environmental plan in the Exit 4A plan for Beaver Lake, as a minimum, we strongly urge the inclusion of Beaver Lake in the list for mitigation along Tsienneto Road. | 3

Thank you,

Philip S Fogg

Cheryl A Fogg

12/13/2018

RECEIVED

DEC 13 2018

**NHDOT
Highway Design**

The Chairperson of the Special Committee
c/o Peter Stamnas, Director of Project Development
The State of New Hampshire Department of Transportation
P.O. Box 483
Concord, NH 03302-0483

RE: Request for a letter from us regarding our property for inclusion in the official record pertaining to the Proposed Exit 4A and Improvements project.

To Whom It May Concern:

I, Brendena M. Fleming, on behalf of: myself; my husband, William P. Fleming; our children, Devon B. Fleming (8); Jace T. Fleming (8); Mia P. Fleming (6); and Jennalee C. Fleming (4), request the two following items:

- 1. Reconsideration including termination of the proposed changes to our property located at 56 Tsienneto Road, Derry, NH 03038, specifically the potential stormwater treatment easement intended to run through our property; 1
- 2. A knowledgeable party to sit down with us and, in full disclosure, explain all changes intended for our property so that we can make a prompt proactive plan to sell and relocate if that is in the best interest of our family based on your intentions to alter our property. Examples of our questions include: Will you be removing our trees, and if so, how many? What, if anything, will you be doing with our pond? What will our property look like after these changes are made? Will any of our existing land be converted to roadway? What will the stormwater treatment easement look like when done? Will the water entering our pond from it harm the animals that utilize that pond, including our livestock? 2

Additionally, if you plan to install the stormwater treatment easement, we ask the following:

- 1. Why has no representative of this project contacted us to explain in full detail what will happen to our property? 3
- 2. Is there another way to build the stormwater treatment easement so it does not run through our property and take the spot where we intend to build a barn? 4
- 3. Is the easement underground? Or a structure above ground? You state a "ditch;" how deep is it? 5
- 4. Will this project impede our view of our pond? 6
- 5. What restrictions will we be facing as a result of this easement? Can we build on it? If so, are there distance restrictions? 7
- 6. Will the easement result in any standing water? Will the water be tested to confirm it is safe for our family and animals? If so, by whom, and how can we access that information? 8

7. If there is standing water, can mosquitos breed as a result? | 9
8. Is this easement safe for our children to walk through? Climb over? We have 4 young children. Is this going to be a safety hazard for our children crossing to get to the pond? | 10
9. How will the easement be maintained? By whom? | 11
10. Since the project will reduce our land and house resale value, will there be any compensation from the town for this devaluation? Will our property taxes be lowered accordingly? | 12
11. Is the water collected from the street treated with any chemicals that will end up on our property in our pond? What will these hazards consist of? | 13
12. What, if any, impact will the project have on the animal life in the pond? | 14
13. Does this new waterway affect buildable distance from the water? | 15
14. Regarding frontage to our property, will you be altering our existing retaining wall? If so, how? | 16
15. Regarding all the green space on three sides of our property you intend to regrade: Will you be removing our trees in these spots? Will you be maintaining these areas, or are you expecting us to maintain them? | 17

Three years ago, on Dec. 15, 2015, we purchased our house and land with the intention of raising our four children here in Derry. We were unaware of the plan to build the easement, nor was it disclosed to us in any form.

We invested a significant amount of time and expense since purchasing the property to improve it, including clearing the invasive species that had taken over ¾ of the land. In doing so, we have opened up the yard space behind our house to the property line and to the left of our garage down to and around our pond. We continue to remove all the dying and dead trees so that the living and healthy trees can flourish. We have contracted a surveyor to stake our property line so that we could acquire full access to our entire 2.11 acres for active use by our family and animals. We have met with fence installers to arrange for our property to be fenced along our property line that runs along Tsienneto Road, up Barkland Drive, along the rear of our site to Horseshoe Drive.

We have worked closely with town officials to ensure we meet all requirements and guidelines. We have secured contractors to install a barn behind and between our garage and pond, where the proposed drainage easement would run, so that we may expand the roaming area of our site for our existing livestock (goats, chickens, and ducks). The finished project will include all of our site to be usable yard space with grass and thriving trees, cobblestone walkways and light fixtures and a clean water pond with center fountain. This space would allow for our livestock and animals to roam and graze leisurely throughout as our children play. We have contracted a hardscape professional to install the cobble stone walks from the house down to the barn and to the pond with decorative lit patios. The finished project will result in a replica of an English countryside setting around the pond for our family to gather and feed the ducks or ice skate in the winter. Currently, we have a heavy presence of foot traffic from pedestrians, joggers, bicyclists,

etc. along our three street side property lines. Our dream was to establish a beautiful setting for people to enjoy as they pass by.

During our three years in Derry, while we have been working toward this end result, we have been contacted by numerous people thanking us for the work on our property and getting word to us saying how much they enjoy driving by our home and seeing our progress.

While I can appreciate your feeling there is a need for this proposed project, please understand that it will directly and significantly impact us. The increase in traffic flow will become an added safety issue for our four young children and our animals. The straightening and leveling of the road — currently marked 30 mph, yet travelled above 50 mph by most motorists — will encourage additional increased speeds, further endangering our safety as residents in this end of Tsienneto, where so many families with young children reside. It also increases the danger of exiting our driveway or crossing our street to access our mailboxes, which are placed on the opposite side of the street from our home. Additionally, the increased traffic flow will also increase the levels of carbon monoxide, diesel, and other traffic-related pollutants entering all of our lungs.

18

19

Currently, due to how busy Tsienneto Road is, people cannot park along the street. That leaves us in a position to have to turn our cars around in our driveway so we drive out facing the street, instead of backing out, which is hazardous. When we have visitors, we utilize the yard to the left of our garage for turning around and parking. This is where you intend to install a “ditch.”

20

Widening the roadway will reduce our yard space and your stormwater treatment easement will directly impact all of us, including but not limited too impacting our well water, as you plan to run it right through the center of our yard in hopes of dumping road treated water overflow directly into our pond as Christopher Bean depicted in his email to me 12/06/2018: *“To answer your question, the orange lines depict an area for a potential stormwater treatment easement. In speaking with our design team this morning, the concept here would involve an outlet from a roadway stormwater culvert into a gently sloped swale (ditch) that would run for several hundred feet then outfall into the pond.”*

21

I am aware my little family of six is insignificant to you in the overall scheme of this proposed plan. Based on how we are seeing this process being handled and how our concerns have been addressed to date, I am skeptical that any of you plan to ever consider our request to amend your proposal.

The first we ever were told about this proposal was when we received certified letters about a hearing which did not include the storm water treatment system on it. We attempted to contact the numbers and emails provided in the certified letter for answers to our questions so that we could attend the hearing educated and prepared to discuss any concerns we could potentially have.

22

All the contact numbers and emails were invalid in the certified letter and on the public facing website. We also filled out the web contact form and received no response. Therefore, we were left attending the hearing without fully understanding exactly how this proposal impacted our property. At the hearing, we received no clear and concise answers to our questions, which was alarming. The hearing was also the first we were told of the stormwater treatment system you plan to install in the middle of our property. In the end, all we were left with was a promise that if we sent a letter within 30 days, our questions would be answered, and our concerns would be taken into consideration. While you are reading our letter, please know that we strongly feel this short window is unjust, particularly given the lack of transparent and respectful communication and explanation by you to us.

My husband put it well: “Our window of opportunity to preserve our property and family is quickly expiring, and we don’t even fully know yet what we are dealing with, so how do we know what to fight for or agree to?”

I sat at your hearing on Dec. 5, 2018, and I observed each of the panel members go through the necessary formal steps ... and I saw the expressions the panel members made when individuals walked up to the podium and stated their support or concerns ... and especially noted the eye rolls, giggles and smirks made when the homeowners who are directly impacted expressed their fears and loss to be occurred as a result of this proposal. So, I don’t have high expectations I will receive the level of respect I deserve as a taxpayer, voter, and property owner from this “process.”

That being said, I am going to use this window of opportunity to share my story with you so if nothing else maybe you will understand the people you are dismissing even as you impact our lives so significantly.

When I was 21 years old, I found out I was rather sick, and I was advised I should consider a surgery that would end any chance of my ever having children. I declined. What followed was more than a decade of jumping through medical hoops. No children ever entered my life. I then spent the remainder of my 30s going through every fertility doctor’s hoops and surgeries they recommended to me, including driving to hospitals every morning, every day of the week, for blood work and treatment. When I was almost 40, my husband walked away from the level of commitment and sacrifice this took. My doctors encouraged me, if I had any dream of having my own children, to proceed by myself. At 41 (and two more surgeries later), I finally threw in the towel and accepted the loss of all those years: a fight I was never going to win, a lost marriage, a lost family of in-laws that had once made up my world. It was over. I was past the point of ever having my own children, and I was too old to adopt per most agency and country requirements. After so many medical bills, I was not rich and therefore could not buy a family as the wealthy can. All that remained was me.

A kind soul approached me and asked if I had thought about adopting from the state. When I began my journey down that road, I soon discovered that there were children, lots of children,

that were born into conditions so unfathomable that they were removed by state officials and placed in temporary homes while new families were found for them. No, these were not your designer hand-picked babies that the more prosperous folks could acquire. Yes, they came from traumatic backgrounds and most likely have genetic deficiencies that could impact their future. But they were human beings just like the rest of us. And they deserved a second chance. I deserved a second chance. So I proceeded to jump through every hoop the state put before me. I fought once more for a life for myself and the family I hoped to one day have.

In December 2010, I met my husband. He turned out to be one of the kindest, most caring souls I have ever known. He was my age, my professional match, he shared a similar prior marriage and loss, and he wanted to join me on my journey. He contacted the state and proceeded to jump through every hoop they presented him. In August 2011, we brought home our first son: he was 11 months old. In January 2012, we brought home our second son; he was 2 ½ years old. In April 2014, we brought home our first daughter; she was 7 days old. And in November 2014, we brought home our second daughter; she was 2 years old.

On June 7, 2015, we rented a mansion, myself in a green princess wedding gown, my husband in a grey prince tux with tails, my children in princess dresses and prince tuxes ... and the 6 of us got married together as a fully formed family in front of our friends and relatives. We are the Fleming family.

You might be questioning why I am telling you all this. Please be patient; I will get to that. I was determined, before my two sons turned 5 and started kindergarten, to find a house worthy of their childhood: a home large enough for each of them to have their own bedroom. A town strong enough to support them in their dreams. A school system good enough to embrace any challenges they may have and turn them into strengths. A village big enough to break their biological cycle of repeated poor choices and promote a new generation of people with morals, manners, wisdom, courage and endurance.

In August 2015, I drove my sons every day, morning and night, to and from the Barka Elementary school, from out of state, for three weeks so they could start kindergarten with their new class. On Sept. 15, 2015, we closed on our dream house; 56 Tsienneto Road, where we have a house big enough to hold our family. A house big enough for each of my children to have their own room. A yard big enough for us to have our animals. A pond big enough for my children and the neighborhood children to one day ice skate, but shallow enough to be safe. A yard big enough to have a tree house for my kids to play with their friends. A yard big enough for my children to follow in my footsteps of caring for animals and providing them a haven to roam and enjoy life, where my children can learn the value of rescue and giving back and a touch of a world of days past with homesteading.

On Nov. 9, 2018, I received a certified letter. My town, my state, wants to take all this away from us. Why am I telling you all this? Because you need to know: my four children had a rough

start to life that they didn't ask for at the hands of adults who failed them. I made a commitment to change that.

In conclusion, while I know the six of us are insignificant in the overall scheme of the proposed Exit 4A and improvements project, I ask you: I pray you have the respect I know I deserve from my town and state, to answer them ... so you don't join those "adults" who failed my children and when they ask me: Mommy why do we have to move, I can tell them why or I can tell them why we get to stay.

Sincerely,

Brendena M Fleming

Brendena M Fleming
(978-979-2246)

Cc: Christopher R Bean
Keith A Cota
Michael A Fowler
WMUR
Union Leader
NBC News
Other News and Political Sources

December 18, 2018

Peter E. Starnas
Director of Project Development
NH Department of Transportation

RECEIVED
COMMISSIONERS OFFICE

DEC 28 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Starnas,

I am a resident and home owner of the Beaver Lake area in Derry, NH.
I am concerned about the proposed plan for the expansion of I- 93 and the proposed interchange between exits 4 & 5.
In the proposed plan there is no mention of the impact this project will have on Beaver Lake. My concerns are the following:

- There is a significant long-term impact on the lake ecology from road salt, sand and runoff from the increased traffic this project will bring to our lake area. | 1
- The lake and the North Shore Road neighborhood will be negatively impacted by the increase in traffic. The plan includes constructing additional traffic lanes on route 102. North Shore Rd. is already stressed and dangerous from the existing traffic and excessive speed. | 2
- The water quality of Beaver Lake is already in a fragile state due to salt and run-off from the existing roads. We have high chloride levels and low clarity levels which will be further affected by the Exit 4A project. | 3
- The water quality of wells in the area is also open to contamination thus causing health threats to residents and possible complaints under to the Clean Water Act. | 4
- As I understand the plan includes a 40-foot underpass at the intersection of Tsienneto and Chester to allow the Tributary E to pass under the new, larger road. This area is prone to flooding and the excess water and chemicals will then dump into the lake. | 5
- In the last 30 years, the residents of Beaver Lake, the Town of Derry, and the State of NH (along with the federal government), have spent more than \$3.3 million dollars to turn Beaver Lake from a Eutrophic lake (dying) to a Mesotrophic (thriving) lake. This money is wasted if we ignore the negative impact of this proposal. | 6

As a resident of Derry and the State of New Hampshire I am requesting that the plan be revisited and the concerns I have listed be addressed.

I appreciate your time and look forward to your response.

Sincerely,

Brian M. Judge

2 Mundy Lane

Derry, NH 03038



Cota, Keith

From: Ari Pollack <pollack@gcglaw.com>
Sent: Monday, December 24, 2018 10:32 AM
To: Cota, Keith
Cc: Paul A. Worsowicz; 'Kevin Smith (ksmith@londonderrynh.org)'; 'Jimmy D'Angelo'
Subject: Exit 4A, Reply to Comment of Michael Speltz, dated 12/6/18
Attachments: Derry Londonderry 13065_Speltz-120618 Letter-122018.pdf

Keith-

As counsel to Pillsbury Realty Development, LLC, the master-developer of the so-called Woodmont Commons project, please accept this reply for your public records relative to the Exit 4A project. Specifically, please accept this reply in response to the submission of Michael Speltz (attached) of Sugar Plum Lane, Londonderry dated Dec. 6, 2018.

In his comments, Mr. Speltz suggests that the Department of Transportation, as the permittee, compensate for projected environmental impacts by preserving “a block of land containing vernal pools and appropriate buffers” upon Pillsbury’s lands adjacent to the project. As a threshold matter, and as you know, Pillsbury’s lands are privately owned and are already the subject of an approved PUD Master Plan for future development. Having said this, however, the Department has already made arrangements with Pillsbury to convey certain lands areas to the State for the benefit of the project. These arrangements already include approximately 8.71 acres for wetlands mitigation and 2.12 acres for stormwater management and drainage, in addition to acreage for the road system and utilities.

Additionally, Mr. Speltz’ letter also suggests that the impervious footprint assumptions calculated in relation to the Woodmont Commons project are understated relative to “Woodmont Commons East” due to the assumed height of proposed improvements. While the Department’s references to square footage is roughly consistent with the Woodmont Commons PUD Master Plan, it is important to note that such references are “maximums” and that actual development may not approach such limits in the foreseeable future or ever. Thus, considering that such estimates are inherently speculative and that no site plan proposals have yet been filed for Woomdont Commons East, Pillsbury tends to agree with the Department’s rough assumptions and projections.

Thank you for this opportunity to comment as part of the public record. Please let me know if you or other Department agents have other or additional questions.

-Ari

Ari B. Pollack, Esq.
 603-228.1181
 800-528.1181



<http://www.gcglaw.com>

Gallagher, Callahan & Gartrell, P.C.
A multidisciplinary law firm
214 N. Main Street
Concord, New Hampshire 03301

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Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

December 20, 2018

Derry-Londonderry
FED#: IM-0931(201),
FHWA EIS#: FHWA-NH-EIS-07-01-DS
STATE#: 13065
[I-93, Exit 4A]

Bureau of Highway Design
Room 200
Tel: (603) 271-2171
Fax: (603) 271-7025

Michael Speltz
18 Sugar Plum Lane
Londonderry, NH 03053

Dear Mr. Speltz:

On behalf of Peter Stamnas, Director of Project Development, I would like to acknowledge the receipt of your written comments dated December 6, 2018 in reference to the I-93, Exit 4A proposal for the development of a new interchange in Londonderry with the access road easterly connection through Folsom Road and Tsienneto Road to NH Rte. 102 in Derry.

Your letter summarizes your concerns for the environmental analysis of vernal pools and cumulative impacts associated with Woodmont Commons. I want to advise that your letter will be included in the official transcript of the Public Hearing and provided to the Special Committee, Federal Highway Administration, US Army Corp of Engineers and NH Department of Environmental Services. The Department, in conjunction with the towns of Derry and Londonderry, will also review your request and respond in the Report of the Commissioner for presentation to the Special Committee. Thank you for your written testimony.

Sincerely,

Keith A. Cota, P.E.
Project Manager

KAC/kac

Cc (email): Peter Stamnas, Director of Project Development
Chuck Schmidt, Administrator, Bureau of Right of Way
James Marshall, Administrator, Bureau of Highway Design
Kevin Nyhan, Administrator, Bureau of Environment
David Caron, Town Administrator, Town of Derry
Kevin Smith, Town Manager, Town of Londonderry

F:\Highway Design\Derry-Londonderry\13065\Public Hearing\1.letters\Speltz_122018 Doc

Michael Speltz
18 Sugar Plum Lane
Londonderry, NH 03053

6 December 2018

Chairperson of the Special Committee
c/o Peter Stamnas, Director of Project Development
The State of NH Dept. of Transportation
P.O. Box 483
Concord, NH 03302-0483

RECEIVED
COMMISSIONERS OFFICE

DEC 10 2018

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Stamnas,

The intent of this letter is to provide public comment on the Supplemental Draft Environmental Impact Statement (SDEIS) prepared for the I-93 Exit 4A project, FHWA EIS # FHWA-jjNH-EIS-07-01-DS.

Vernal Pools

The preferred alternative, while having less impact to wetlands overall, has the greatest impact to vernal pools. The CFR provides for preservation of difficult-to-replace resources, which category includes vernal pools, in cases where avoidance and minimization is not practicable.

332.3(3) For *difficult-to-replace resources* (e.g., bogs, fens, springs, streams, Atlantic white cedar swamps) if further avoidance and minimization is not practicable, the required compensation should be provided, if practicable, through in-kind rehabilitation, enhancement, or *preservation* since there is greater certainty that these methods of compensation will successfully offset permitted impacts. (emphasis added)

There are numerous, documented, high productivity vernal pools very near the project area on either side of the proposed connector road just after it leaves the new interchange ("Woodmont Commons East"). (See Figures 4.12-8 and -9 of the SDEIS for exact locations). Conserving a block of land containing vernal pools and appropriate buffers in this area could provide mitigation for the impacted vernal pools.

The vernal pool buffers, if protected, may also create mitigation credits for other impacted wetland types. Finally, if carefully chosen, the protected land may enhance the view shed from the rail trail, which crosses through this area, in the event this area is developed as described in the section on cumulative impacts.

While federal policy prefers in-lieu fee to permittee responsible mitigation, that preference is based largely on the higher risk of a project designed and executed by a private developer, whose incentives, skills, knowledge and land assets may not line up with the public interest. In this case, the permittee is the State of New Hampshire, which arguably enjoys greater conservation, project planning, and technical expertise within its DES and DOT than any other permittee, public or private, within the state. Furthermore, the mitigation I am proposing is within the subwatershed of Shields Brook, thus further supporting the federal requirement to locate the mitigation project within the impacted watershed.

Cumulative Impacts

On page 5-22 of the draft, the following assumption is made in calculating the impervious footprint of commercial and institutional development in Woodmont Commons East under the build scenario:

- The 693,400 gsf of commercial development and 420,000 gsf of institutional development outlined in the PUD Master Plan is assumed to be built in 4-story buildings, which is the maximum height for commercial and institutional buildings as outlined in the Master Plan.

The assumption of all these developments occupying 4-story buildings is flawed. Approved construction planning for the "downtown" area of Woodmont Commons West calls for a mix of building heights, and the conservative assumption is that Woodmont Commons East will follow the same aesthetically pleasing pattern. The result is that the same amount of square feet of development can be assumed to occupy a greater number of structures with a greater footprint and consequently greater impervious surface impacts. A conservative assumption would be to assume that the commercial and institutional development will be housed in structures averaging two stories in height.

Thank you for considering these comments,


Michael Speltz

BEAVER LAKE
 **IMPROVEMENT
ASSOCIATION**

P.O. BOX 133 EAST DERRY, NH 03041

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COMMISSIONERS OFFICE

JAN 03 2019

**THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION**

December 31, 2018

Mr. Peter Stamnas *pes 1/2/19*
Director of Project Development
New Hampshire Department of Transportation
7 Hazen Drive
Concord, New Hampshire 03302

Dear Mr. Stamnas,

I am writing on behalf of the Officers and the Board of Directors of the Beaver Lake Improvement Association (BLIA) and the member of the association to formally register our concerns regarding the lack of attention accorded to Beaver Lake in the Exit 4A project plan.

Officers of the BLIA, members of the Board of Directors and members of the association attended the public hearing in Derry on December 5, 2018. Collectively, we were disturbed that the presenters did not mention Beaver Lake or focus on Cat-O-Brook (referred to as Tributary E on your map). Beaver Lake and its watershed are an integral part of this project and will be profoundly affected by this massive project. We understand that deeper in the project plans there is mention of Beaver Lake yet we do not believe the plan is adequate. | 1

Along with the EPA, the State of New Hampshire, the Town of Derry and the residents of Beaver Lake, over 3 million dollars have been spent to revive Beaver Lake from Eutrophic to Mesotrophic. It is a lake that is rebounding but stressed and is sensitive to additional inputs from the watershed. Beaver Lake is an urban lake on the 303(d) list of impaired waters and we request that the NHDOT demonstrates that this project will not increase any of the pollutants within the watershed. | 2

There are volumes of data available on the history of Beaver Lake that has not been included in the project plan. There are years of trophic data from NHDES tracing the path from Mesotrophic to Eutrophic. The BLIA has been part of the Volunteer Lakes Assessment Program (VLAP) for 25 years. The yearly water quality reports show high conductivity, high turbidity and impaired clarity. The additional stressors of the Exit 4A project must be addressed. | 3

As noted in the 2017 VLAP report:

"Conductivity/Chloride levels: Epilimnetic, Metalimnetic, Hypolimnetic and Manter Brook conductivity levels remained high and much greater than the state medians. Historical trend analysis indicates significantly increasing (worsening) epilimnetic conductivity levels since monitoring began. Cat-o-Brook at Beaver Rd. and Jenny Dickey Brook conductivity and chloride levels were also greatly elevated and chloride levels approached the state chronic chloride criteria."

https://www.des.nh.gov/organization/divisions/water/wmb/vlap/annual_reports/2017/documents/beaver-derry.pdf

We understand that the NHDOT is required under the MS4 Permit to demonstrate that no net increase of pollutants into the impaired waterbody will occur. We request that the NHDOT demonstrate how they will prevent pollutants entering Beaver Lake from this project. The NHDOT should use the Lakes Loading Response Model for a project of this size to ensure that the trophic status of Beaver Lake is not altered in a negative manner.

4

We propose that the NHDOT work in conjunction with the Town of Derry and our existing VLAP program to add project specific monitoring stations along the already impaired Cat-o-Brook. This would provide more data to add to the lake model and ensure conditions are being met.

5

The Town of Derry and the BLIA have a Beaver Lake Watershed Management Plan. As part of the mitigation plan for this project we request the NHDOT to fund an update to the management plan to reflect the significant land use change, potential nutrient loading to the stream and to bring the plan into full NHDES and US EPA a-I status.

6

We are extremely concerned about the 40-foot culvert being proposed under Tsienneto Road at Route 102 (Tributary E). The plan refers to changes on the north side of Tsienneto Road with no reference to the effect it will have on the south side. There is a small culvert under Chester Road/Route 102 south of Tsienneto that flows into Beaver Lake. The entire area from Tsienneto to this culvert is already stressed and regularly floods over Route 102 during storm events requiring the road to be closed. We suggest that when the proposed improvements are made to Route 102 that this culvert also be improved. The area between the culvert at Tsienneto and the lake should be dealt with possibly with a retention pond to decrease the amount of non-point source pollution being introduced to the lake.

7

Our last area of concern is North Shore Road. During the morning and evening rush hour this road is an expressway between Route 102 and Hampstead and Chester. Often vehicles travel over the speed limit requiring the presence of Derry Police and speed radar signs frequently installed by the police department. Adding more traffic to this road will make this already dangerous situation catastrophic. It is a narrow two-lane road with houses very close to the road. There is limited room for pedestrians that frequent the road. The Exit 4A project will have a profound effect on this road and it cannot be ignored in the scope of the project.

8

We appreciate your attention to the concerns raised herein regarding the impacts of the Exit 4A project to the water quality of Beaver Lake.

Respectfully submitted,

Beaver Lake Improvement Association



Steven R. Anthony
President, Beaver Lake Improvement Association

P16

Fax Cover

Send To: NH- DOT Bureau of Highway **From:** Raymond Breslin
Design

Attention Peter Stamnas **Pages** 4

Location **Date:** 12/29/18

Fax # 603-271-7025 **Fax** 603-437-2911

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Comments: I-93 proposed Exit 4A.

THANK YOU

Raymond Breslin

THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION

TO PETER STAMOS

CHAIRPERSON OF THE SPECIAL COMMITTEE
DIRECTOR OF PROJECT DEVELOPMENT

SUBJECT - INTERSTATE ROUTE I-93, PROPOSED EXIT 4A
DERRY-LONDERRY FEI # IM-0931 (201)
FHWA EIS # FHWA-NH-EIS-07-01-DS
STATE # 13065 I-93 EXIT-4A

DEAR MR. STAMOS: THE STATED PURPOSE OF THIS
EXIT 4A PROJECT, IS TO REDUCE
CONGESTION, IMPROVE SAFETY AND
PROMOTE ECONOMIC VITALITY FOR
THE TOWN OF DERRY AND LONDON DERRY.

1

THE PROPOSED ALTERNATIVE "A ROUTE"
MAY REDUCE TRAFFIC CONGESTION
ALONG BROADWAY (RTE 102) IN THE
MAIN BUSINESS DISTRICT, HOWEVER
TRANSFERRING AND ADDING ADDITIONAL
TRAFFIC TO ANOTHER HEAVILY CONGESTED
RESIDENTIAL/BUSINESS DISTRICT APPROX-
IMATELY 1/2 MILE FROM THE INTERSECTION
OF ROUTE 28 (CRYSTAL AVE) AND ROUTE 102
(BROADWAY) WOULD NEITHER REDUCE
CONGESTION NOR IMPROVE TRAFFIC SAFETY!

ADDING ADDITIONAL VEHICULAR TRAFFIC TO CROSS CORNER INTERSECTION (CRYSTAL AVE) FOLSOM ROAD, NORTH HIGH STREET, WOULD ONLY EXASPERBATE AN ALREADY OVER-BURDENED ROADWAY.

THE ENGINEERING PLAN AS SHOWN IN THE SUPPLEMENTAL DRAFT INDICATES THE ROADWAY ALONG FOLSOM RD AND TSIENNETO ROAD WOULD BE DIVIDED WITH LIMITED ACCESS. (RIGHT OR LEFT TURNING)
THIS WOULD NOT BE IN THE BEST INTERESTS OF THE GENERAL PUBLIC LIVING ALONG THIS PROPOSED ROUTE.

TSIENNETO ROAD EAST OF ROUTE 25 BYPASS WITH THE EXCEPTION OF THE IRVING GARSTA AND THE CHURCH AT THE INTERSECTION OF BYPASS 25 AND TSIENNETO ROAD IS TOTALLY RESIDENTIAL HOMES WITH MULTIPLE ROADWAY INTERSECTIONS.

THE INTERSECTION OF TSIENNETO ROAD (EAST) AND ROUTE 102 AT BEVER LAKE, DURING PUSH HOUR IS CURRENTLY BACKED-UP 15-18 CARS!
THIS AREA IS LOCATED IN A LOW ELEVATION WITH UPLAND BROOK RUNNING UNDER ROADWAY IS A POTENTIAL FLOOD ZONE.

FOR THE ABOVE NOTED ITEMS, I DO NOT BELIEVE
THIS PURPOSE "ALTERNATIVE A" WOULD BE IN THE
BEST INTEREST OF THE RESIDENTIAL AND BUSINESS
PROPERTY OWNER OR RENTERS ALONG IS PROPOSED
ROUTE A.

BECAUSE OF PREVIOUS MULTIMILLION DOLLAR
COMMITMENTS, MADE BY THE CITY PLUS YEARS
AGO (LAW-SUITS) BY BOTH THE TOWNS OF
DERRY AND LONDONDERRY, THE TAX PAYER
(LOCAL, STATE, AND FEDERAL) ARE NOW
COMMITTED A POTENTIAL \$60,000,000
MILLION DOLLAR BYPASS OF ROUTE 102
AROUND THE TOWN OF DERRY!

I WOULD RESPECTFULLY SUBMIT
THAT CONSIDERATION BE GIVEN TO ANOTHER
ROUTE (WHICH I SUBMITTED 12-13-2015)

PLEASE INCLUDE THE ABOVE IN THE
OFFICIAL TRANSCRIPT

Sincerely, Shay Presley

603-548-5750

3 GARY DRIVE

LONDONDERRY N.H. 03053

EMAIL - SHIPRAY50@YAHOO.COM

G. Thomas Cardon
2 Cunningham Drive
Derry, New Hampshire 03038
December 30, 2018

RECEIVED
COMMISSIONERS OFFICE

JAN 02 2019 *PCS 1/2/19*

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

Dear Mr. Stamnas,

I have followed the 4A project for three decades and attended the December 4, 2018 hearing. There are a couple of comments that I have that are of concern to me.

When I arrived, I was impressed with the number of people in attendance. As the speeches went on more and more people were leaving, some had signed up to speak. It was clear that the meeting was dragging on and the attendees did not want to stay.

One of the things I learned as a legislator was to keep your speech to three minutes. I understand that was probably not very likely given the information that needed addressing. Perhaps you could condense each speech or better still let the people with comments speak first. I think that will allow you to hear more people and not a the few of us that stayed for the entire meeting.

I am concerned about the addition salt that will be needed for the winter months and the plan to store it. With a major water shed in that area I don't think there is any way to completely prevent that additional road salt to seep into the streams. This is especially true if the state ends up widening 93 to four lanes in each direction

My biggest concern however is what the project is going to do to Folsom Road. Six lanes are hard to imagine for the road. It will create an awful scar to that part of town that will never be erased.

I would urge you not build this project.

Sincerely,

Thomas Cardon
Thomas Cardon

1
2
3

Cota, Keith

From: Brian Germaine <brian@germainelaw.com>
Sent: Friday, January 4, 2019 12:48 PM
To: Jamie.Sikora@dot.gov; Stamnas, Peter
Cc: Cota, Keith; Brian Messina; O'Connor, John T.; Birdsell, Regina; Milz, David; Prescott, Russell; georgesioras@derrynh.org; mikefowler@derrynh.org; davecaron@derrynh.org
Subject: Exit 4A Comments, 20 Folsom Road, Derry, NH
Attachments: Exit 4A Comments, 20 Folsom Road, Derry, NH.pdf

Mr. Sikora and Mr. Stamnas:

Please be advised that this office represents Brian and Laura Messina, owners of the business and property located at 20 Folsom Road, Derry, New Hampshire. Attached please find correspondence outlining my clients' comments relative to the proposed 4A project.

If you have any questions, please feel free to contact me.

Brian G. Germaine, Esquire
Germaine & Blaszk, P.A.
23 Birch Street
Derry, NH 03038
tel. 603.434.4125
fax.603.434.1425
brian@germainelaw.com

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JAN 04 2019

NHDOT
Highway Design



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GERMAINE & BLASZKA, P.A.
ATTORNEYS AT LAW

BRIAN G. GERMAINE
DONALD L. BLASZKA, JR.*
PHILIP M. KALIL*
ELIZABETH B. RICHTER

OF COUNSEL
JOHN A. KORBIEY

*Member of New Hampshire and Massachusetts Bar

TWENTY-THREE BIRCH STREET
DERRY, NEW HAMPSHIRE 03038

TELEPHONE (603) 434-4125
TELECOPIER (603) 434-1425

BRIAN@GERMAINELAW.COM

January 4, 2018
BY HAND DELIVERY
AND E-MAIL

Mr. Jamison Sikora
Environmental Program Manager
Federal Highway Administration
53 Pleasant Street, Suite 2200
Concord, New Hampshire 03301

RECEIVED

JAN 14 11:13

NHDOT
Highway Design

Mr. Peter Stamnas
Director of Project Development
New Hampshire Department of Transportation
7 Hazen Drive
Concord, New Hampshire 03302

Re: Exit 4A Connector, 20 Folsom Road, Derry, NH

Dear Mr. Sikora and Mr. Stamnas:

I represent Brian and Laura Messina, owners of Brian & Laura Real Estate, LLC and Royal T Carwash located at 20 Folsom Road, Derry, New Hampshire. The most recent proposed plan for the Exit 4A Connector adversely affects their property and business. The purpose of this correspondence is to provide you with their comments for the Exit 4A project.

My clients' property is 1.08 acres and is located in the General Commercial Zone. The building consists of two self-service carwash bays, two laser wash automated carwash bays, a carwash tunnel, office space and a multi-car garage for detailing. In addition, the business has numerous vacuum stations, a drying area and propane distribution center. The only access to the premises is by Folsom Road. Customers enter from the existing lanes and can exit the property in either direction.

Mr. Jamison Sikora
Mr. Peter Stamnas
January 4, 2019
Page Two

The carwash has been in existence for over 30 years. Brian Messina was a long-term general manager of the business, and he purchased the property and business in 2012. The business employs 12 individuals both full time and part time. Royal T is the only full-service carwash facility in Derry.

The proposed plan will take approximately 25% of the lot. The result will be the elimination of the propane distribution station, large propane tank, multiple vacuum stations, sign and island and the elimination of the drying area. One of the main features of Royal T is their drying station. Customers can dry their car using free drying towels provided by Royal T. The proposed plan eliminates the drying area. There will be no place for a customer to dry their vehicle. The removal of the propane center and vacuum station will be a significant economic loss to my clients.

The paved area of the lot directly abuts the side property lines. Vehicle stacking will be limited as a result of the proposed taking. The elimination of the area at the exit of the wash bays will back up traffic on the property.

In addition to the taking, the proposed plan provides for a permanent island on Folsom Road. Such an island will prevent someone traveling in an easterly direction from accessing the business. The traffic pattern as proposed will prevent thousands of cars from accessing the property. Essentially, the plan is for one-way traffic in front of the business limiting accessibility and therefore making the business less attractive to potential customers. The only access point will be by traveling in a westerly direction toward Londonderry. The one-way traffic pattern is inconsistent with the existing traffic flow. The one-way proposed plan will create a safety issue for customers.

The proposed plan provides that all of the properties on the northerly side of Folsom Road will be subject to taking. The exceptions are the Derry Police Station and the Royal T property. No explanation has been offered to my clients. Mr. and Ms. Messina have operated a successful, clean and exceptional business over the years. They are valuable taxpayers, and they provide service and employment opportunities to Derry. The taking of their property will cause a valuable business in Derry to close.

Mr. Jamison Sikora
Mr. Peter Stamnas
January 4, 2019
Page Three

The practical effect of closing one business for the benefit of other businesses is inconsistent with the intended purpose of the 4A project. No alternative has been offered to my clients, and there has been no outreach to provide my clients with alternatives to consider. The proposed taking will force the owners to operate a business contrary to its approved use.

5

Before making a final decision on the proposed project, it would be prudent to review the following:

1. Since there have been proposed alternative routes over the past several decades, and just this year, these alternative routes should be thoroughly explored;

6

2. The need has not been justified to support the expenditure and development of the 4A project;

7

3. The State and Towns should consider elimination of the raised island and permitting reverse direction lanes;

8

4. The State and Towns should review the idea of phasing the development in order to alleviate the impact to the existing commercial properties;

9

5. The State and Towns need to consider that a new site plan for 20 Folsom Road will need to be approved by the Town of Derry Planning Board taking into consideration the reduction in the front setback; delivery traffic flow for the property; relocation of the propane tanks with consideration of the propane delivery; and consideration of how all customers and customers with RVs, large trucks will access the propane service area.

10

6. The State and Towns should consider that that partial taking of 20 Folsom Road will result in setback violations that will necessitate the need for a variance.

7. The State and Towns should consider acquiring the Royal T Carwash business and 20 Folsom Road, Derry, New Hampshire; and

8. The State and Towns should consider a complete relocation of the Royal T Carwash.

11

Mr. Jamison Sikora
Mr. Peter Stamnas
January 4, 2019
Page Four

If you have any questions, please feel free to contact me.

Very truly yours,


Brian G. Germaine

BGG/ksd
Enclosures

cc: Russell E. Prescott, Executive Councilor
Sen. Regina Birdsell
Rep. David E. Milz
Rep. John T. O'Connor
David Caron, Town Administrator
George Sioras, Derry Planning Director
Michael Fowler, Director of Public Works
Keith A. Cota, P.E., Chief Project Manager

Cota, Keith

From: Tom Irwin <tirwin@clf.org>
Sent: Thursday, January 3, 2019 1:02 PM
To: Jamie.Sikora@dot.gov; Cota, Keith; CBean@fando.com
Subject: Comments on Exit 4A DSEIS
Attachments: 2019-1-3 Comments on Exit 4A DSEIS.pdf; 2019-1-3 Comments on Exit 4A DSEIS_Attachment A.pdf

Dear Keith, Jamie, and Chris,

I hope this finds you well. Please find attached CLF's brief comments on the above-referenced Draft SEIS.

Best regards,
Tom

Tom Irwin
Vice President
Director, CLF New Hampshire

27 North Main Street
Concord, NH 03301-4930

P: 603-573-9139
E: tirwin@clf.org





For a thriving New England

CLF New Hampshire 27 North Main Street
Concord, NH 03301
P: 603.225.3060
F: 603.225.3059
www.clf.org

January 3, 2019

Via U.S. Mail & Electronic Mail (Keith.Cota@dot.nh.gov)

Mr. Keith Cota
Project Manager
N.H. Department of Transportation
7 Hazen Drive
Concord, NH 03302

Via U.S. Mail & Electronic Mail (Jamie.Sikora@dot.gov)

Mr. Jamison Sikora
Environmental Program Manager
Federal Highway Administration
53 Pleasant Street, Suite 2200
Concord, NH 03301

**Re: Comments on Supplemental Draft EIS for I-93 Exit 4A
NHDOT Project No. 13065
Federal Project No. IM-0931(201)
FHWA EIS No. FHWA-NH-EIS-07-01-DS**

Dear Messrs. Cota and Sikora:

Conservation Law Foundation (CLF) appreciates the opportunity to briefly comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the above-referenced Exit 4A Project in the towns of Derry and Londonderry. CLF is a non-profit environmental advocacy organization that works to protect New England's environment for the benefit of all people by preserving natural resources and promoting healthy communities. With offices in New Hampshire, Massachusetts, Maine, Rhode Island and Vermont, CLF has a long history of advocating for a clean, balanced transportation system. CLF's work on transportation has included advocacy on a number of New Hampshire highway projects, including but not limited to the widening of I-93 (Salem to Manchester), the so-called Keene bypass, a proposed bypass in Troy, and the proposed Nashua-Hudson Circumferential Highway, as well as on policies to enhance transit.

The proposed construction of Exit 4A and related roadway construction and upgrades is integrally related to I-93, which is currently in the process of being widened. Of critical importance, the I-93 widening is subject to specific restrictions contained in the Supplemental Record of Decision for that project, as agreed upon by the N.H. Department of Transportation (NHDOT). In particular, the widening of I-93 to its full four-lane configuration is constrained by water quality issues associated with chlorides pollution, as well as by traffic demand considerations. As set forth in correspondence dated March 8, 2011 from then-NHDOT Commissioner George N. Campbell, Jr. to FHWA Acting Division Administrator Patrick Bauer: "The fourth lanes [on I-93] will be paved and made usable in the future when the regional chloride (road salt) use is in keeping with environmental requirements *and* traffic demand warrants



additional capacity." See Attachment A at 1 (emphasis added). This statement, along with numerous commitments related to traffic demand management (TDM), was part of a commitment by NHDOT to meet the TDM and transportation systems management requirements of the Supplemental Record of Decision for the I-93 project. *Id.*

The SDEIS is flawed in at least two respects as it relates to the I-93 widening project and related constraints and commitments. First, the SDEIS fails to acknowledge or address constraints on the I-93 widening related to water quality and traffic demand. Rather, it assumes I-93 will be operated as a four-lane highway in each direction. Unless and until water quality problems associated with chlorides pollution are resolved *and* traffic volumes on I-93 warrant fourth lanes, the highway must continue to operate as a three-lane facility.¹

1

Second, the SDEIS fails to analyze whether the preferred alternative will generate traffic demand on I-93 at a level that would necessitate the operation of fourth lanes. While projecting that the preferred alternative would cause I-93 volumes to decrease by an average of three percent between Exits 4 and 4A and to increase by an average of ten percent between Exits 4A and 5,² it fails to address the effect of those projected changes on I-93 operating as a three-lane facility and whether, or to what extent, those changes would necessitate the operation fourth lanes.

2

Given the integral relationship between the Exit 4A proposal and the I-93 widening, it is essential that commitments and constraints related to the I-93 widening be acknowledged and taken into account, and that the interrelationship between these projects be fully and properly assessed. Again, CLF appreciates the opportunity to provide these comments. Should you have any questions, please do not hesitate to contact me at (603) 225-3060.

Respectfully submitted,

Tom Irwin
Vice President & CLF New Hampshire Director

Encl. (March 8, 2011 Corresp. of NHDOT Commissioner George N. Campbell, Jr.)

cc: Victoria Sheehan, Commissioner, NHDOT (via electronic mail)
William Cass, Assistant Commissioner, NHDOT (via electronic mail)
Christopher Bean, Consultant Project Manager, Fuss & O'Neill, Inc. (via electronic mail)

¹ Based on communications with NHDOT, most recently with Commissioner Sheehan and Assistant Commissioner Cass on October 12, 2018, it is CLF's understanding that traffic demand on I-93 has not reached a level warranting the operation of fourth lanes.

² See SDEIS at 4-17.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



GEORGE N. CAMPBELL, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

March 8, 2011

Mr. Patrick Baner
 Acting Division Administrator
 Federal Highway Administration
 19 Chenell Drive, Suite One
 Concord, N.H. 03301

Dear Mr. Bauer:

I am writing to present the Department's course of action for meeting the Transportation Demand Management (TDM) and Transportation Systems Management (TSM) requirements contained in the Supplemental Record of Decision for the rebuilding of I-93 from Salem to Manchester.

As you are aware, the Department is rebuilding approximately 20 miles of I-93 that may ultimately result in an 8-lane highway (4-lanes in each direction). Because of water degradation of several streams in the area of I-93, and restrictions related to the federal Clean Water Act, the Department is rebuilding the highway to contain 6-lanes (3 in each direction) within an 8-lane footprint. The fourth lanes will be paved and made usable in the future when the regional chloride (road salt) use is in keeping with environmental requirements and traffic demand warrants additional highway capacity.

During this incremental implementation of the project, the Department will continue to monitor traffic volumes and utilize TDM and TSM techniques and initiatives to manage traffic demand and extend the condition and capacity of the facility. The Department has thus far constructed three park-and-ride/bus service facilities within the corridor (at Exit 2, Exit 4 and Exit 5) and facilitated the establishment of commuter, intercity bus service along I-93 connecting Concord, Manchester, Londonderry, Derry, Salem, and Boston. In addition, the layout of I-93 has included space in the median for the possibility of some type of future transportation service as well as bridge openings for rail service along the Manchester & Lawrence Railroad corridor. Additional space has also been acquired adjacent to the recently completed Exit 5 park & ride/bus service facility. This additional space will allow future expansion of the facility, which is accessible to the M&L corridor as well. Also, through the development of the I-93 project, a comprehensive incident management plan has been developed and deployment of Intelligent Transportation Systems (ITS) is being implemented to better manage traffic in the corridor.

In an effort to continue the Department's furtherance of multimodal travel in New Hampshire, and in particular within the southern tier served by I-93 and the F.E. Everett Turnpike, the Department will pursue the following initiatives over the course of the incremental implementation of the project:

1. Establishing an inter-agency task force to manage transportation demand on I-93 and develop measures for a more economically and environmentally sustainable transportation system. The task force shall include representation from the Department of Transportation, the Office of Energy and Planning, the Department of Environmental Services, the Department of Resources and Economic Development, the NH Housing Finance Authority, the NH Rail Transit Authority, the NH Climate Collaborative, the Rockingham Planning

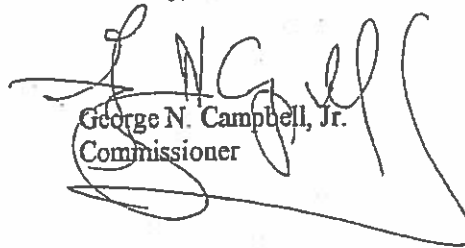
Commission, the Southern NH Planning Commission, and the Nashua Planning Commission.

The goals of the task force, by which progress and effectiveness will be gauged, will include enhancing multi-modalism in the I-93 corridor and the southern tier of New Hampshire; reducing greenhouse gas emissions; and advancing the NH Climate Action Plan's goals and strategies relating to the reduction of vehicle miles traveled.

2. Working with the task force to develop TDM and TSM strategies, create a schedule of initiatives, locate funding sources, propose legislation, and promote multi-modal alternatives.
3. Utilizing technology (including continuous recorders to be installed on each highway segment during the construction of the three lanes) to provide data for assessing traffic volumes, congestion, and the effectiveness of the Task Force's TSM and TSM initiatives, and to improve communication between the traveler, travel conditions, modal schedules etc, making the management of the system timely and effective.
4. Continuing to pursue a fully integrated transportation system that includes rail service and enhanced bus service, within which the various modes complement and inform each other to the benefit of the traveling public and the movement of goods.
5. Continuing to work with the Commonwealth of Massachusetts, as Massachusetts constructs improvements to its portion of I-93 and coordinates with New Hampshire to implement rail and transit service improvements, including but not limited to, the Bi-state Transit Investment Study.

In closing, this implementation plan is our approach for addressing intermodal objectives as outlined in the Supplemental Record of Decision for the Salem to Manchester I-93 project. The Department hopes to enlist the support of the Federal Highway Administration and the Federal Transit Administration as important resources in this endeavor. We expect to get underway early this summer, and look forward to your assistance.

Sincerely,



George N. Campbell, Jr.
Commissioner

cc: The Honorable John H. Lynch, Governor
Jeff Brillhart
Mike Pillsbury
Bill Cass
Pete Stannas
Kit Morgan

Document1

Cota, Keith

From: Hicks, Michael C CIV USARMY CENAE (USA) <Michael.C.Hicks@usace.army.mil>
Sent: Thursday, January 3, 2019 3:00 PM
To: Cota, Keith
Cc: Laurin, Marc
Subject: Exit 4A Comment in Opposition - Kent
Attachments: William Kent.pdf

Keith,

Here is another comment in opposition, from Mr. William G. Kent, Jr.

Thanks,
Mike

Michael Hicks, PM
USACE, REG DIV., BR. C
978-318-8157

12/30/2018

To: Michael Hicks

From: William G. Kent Jr.

RE: Public Notice of File Number NAE-2005-03061

As property owner at 30 Tsienneto Rd. Derry, NH 03038, I am writing my comments in opposition to the proposed construction project for multiple reasons. My property contains a dug well as the only supply of water; a 104yr old stonewall slightly set back from the road, and adequate vegetation providing obstruction from public view from the roadway. This project will be detrimental to my property by affecting those 3 key elements of my land.

The proposed construction project will jeopardize my family's only source of water on our property. We have a dug well fed by a year round running brook through our land. The water quality produced in this well is exceptional for drinking and it takes care of all our water needs free of charge. This proposed project encroaches on our dug well with roadway allowing for runoff of chemicals such as oils, antifreeze coolants, debris and also road salt and any other overspill caused by traffic and road maintenance. These chemicals and byproducts will leach into our drinking water and affect our health. My family and I regularly clean up litter produced by motorists in our front yard, however better there than in our drinking water supply. The well is close to the road and any closer will cause harm to my family and myself.

1

JAN 2'19 REG DIV

Please take a moment to familiarize yourself with the property by reading this passage from Harriett Chase Newell's book Houses of the English Range and Beaver Lake Derry N.H.

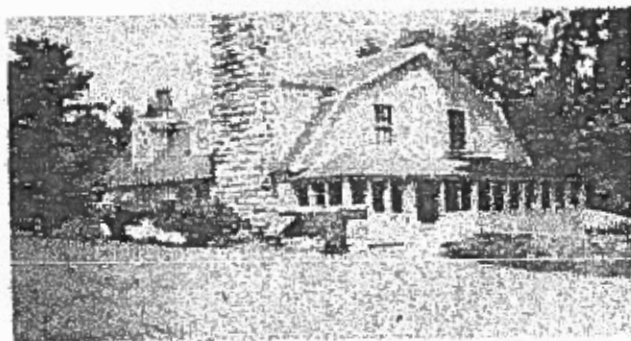
CHAPTER V

TSIENNETO ROAD (Sho-Nee-Tow)

Mr. Wight made changes in his first purchase, which had for years been known as the Joshua Morse place, and he built a workshop and studio on the east end of the lot about 1914 and sold it in 1920 to Elvira Hamblett. There were several owners for brief periods until it was bought by Nelson Belleisle in 1929.



Wight Workshop



Tinkham

While it was vacant the building was burned, and the land was sold in 1938 to Mr. and Mrs. Frank Tinkham who built their present home there, utilizing the original chimney.

From this text we can infer that what is now known as 30 Tsienneto Road was built upon the foundation of the Wight Workshop from about 1914. Built along with the foundation is a beautiful large retaining wall seen in both pictures above. The wall extends away from the front door of the property toward Tsienneto Rd. and turns to run parallel with the road. The wall is only 10ft from the road and any construction done nearby will undermine its structural integrity and detract from its natural historical presence.

2

Along the East side of the wall there is a small section of wetland that allows a beautiful willow tree and plenty of other natural vegetation to thrive. The water running from the brook next to the well creates this small area where my children and I often find frogs and other small animals living. The trees and other flora found growing here provide a physical and visual boundary from the roadway allowing my children to safely play in our driveway away from traffic and onlookers. It also provides a visual boundary for our porch and home from motorists and pedestrians. The proposed project puts the trees and vegetation in harm and deteriorates the safety and setting of our home and driveways.

3

Please understand the detriment this proposed project will have on my family's safety, drinking water and privacy. Also the damage it will cause for this natural historical property located at 30 Tsienneto Rd. Derry N.H. 03038.

RECEIVED
COMMISSIONERS OFFICE

1/2/19

DEAR MR STAMMUS,

JAN 04 2019

THE STATE OF NEW HAMPSHIRE
DEPT. OF TRANSPORTATION

MY NAME IS KARL KUCERIS. I AM A TRUSTEE OF HIKI REALTY TRUST AND A PARTNER OF USA SUBS. MY PROPERTY IS LOCATED AT 66 CRYSTAL AVE DERRY. I AM CONCERNED HOW THE EXIT 4A PROJECT MIGHT IMPACT MY PROPERTY AND MY BUSINESS.

I HAVE BEEN IN BUSINESS AT THIS LOCATION FOR OVER 30 YEARS. I EMPLOY 25 PEOPLE.

THE PROPERTY ONLY HAS 11 PARKING SPACES NOT COUNTING LIMITED EMPLOYEE PARKING IN BACK OF THE BUILDING. I WOULD LIKE TO MEET WITH SOMEONE TO SEE IF AND HOW THIS PROJECT WILL AFFECT ME.

THANKS FOR YOUR COOPERATION

KARL KUCERIS



HIKI REALTY TRUST

USA SUBS

PHONE - 603-682-7300

EMAIL - USA SUBS @ AOL.COM

HIKI REALTY TRUST / USA SUBS

66 CRYSTAL AVE

DERRY NH 03038

January 3, 2019

NHDOT Project Manager

Keith Cota, P.E.

New Hampshire DOT

P.O Box 483

Hazen Drive

Concord, NH 03302-0483

Dear Mr. Cota,

Please accept this letter as my written comment response to the latest Exit 4A public meeting which occurred on Dec. 5, 2018. I'd again like to voice my concern with the Right of Way taking of my property at 9 Madden Road, Derry. As I've previously expressed to you and your team the prospect of my building being taken by eminent domain has severely impacted my ability to maximize the property's value. The State's actions have artificially lowered the property's current Net Operating Income (NOI). I imagine that the NOI number will figure in prominently into the State's appraisal of building and land value.

Despite an unprecedented period of economic growth over the last several years and a lack of supply of comparable rental units, I've been unable to pass through meaningful rent increases to bring property in line with area market rates. Further tenant improvement plans which would have added significant value to the building have been shelved due to the timing uncertainty that Exit 4A has created.

I have an office space that previously rented for \$1,000 per month. Today that unit sits vacant as potential tenants are informed that the building is subject to be taken in the near future. As I'm sure you'd agree, we have a moral obligation to inform these small business owners of the buildings prospects. Their next question is when will the property be acquired by the State. Our response is we're not sure, it could be months or years, if ever. That's a tough proposition to sell to business owners looking for a long term home.

In an email to you dated May 22, 2017 I complained that NH DOT representatives were visiting my tenants to determine their moving expenses and logistics without my advance knowledge. This resulted in tenants fearing that the building was subject to immediate (or least short term) taking. This was over 18 months ago and well before the state's own completed study on preferred Route options was completed. These premature notifications disrupted my lease negotiations and left me in a weakened position.

I understand that the State provides a reimbursement of up to \$1,000 for property appraisal for those impacted. This number is woefully inadequate for a commercial investment property such as mine. However I will contract and pay for an experienced and licensed commercial appraiser to ensure that my

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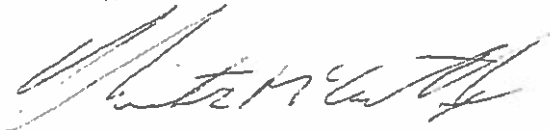
2

property is properly valued from multiple perspectives including Income (NOI), Replacement Cost, and Residual land as well to factor land's Highest and Best use. As I'm sure you're aware, there is a lack of comparable 2.7 acres parcels in Derry that are properly zoned and centrally located near downtown and between two highway exits (Exit 4 and 5).

This is more than a building for me and my family. It's a significant source of our income and a valuable asset that I planned to hand down. I appreciate that the State is looking to build for the future with the Exit 4A project. However the cynical side of me thinks that this project is less about alleviating congestion along RT. 102 and more about allowing for private real estate development as part of the Woodmont Project. I should not be penalized in order for other private entities to prosper. I simply want to ensure that I'm treated fairly and receive just compensation.

Thank you for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris McCarthy". The signature is fluid and cursive, written over a light blue horizontal line.

Chris McCarthy

Manager, 9 Madden Road Holdings LLC

Cota, Keith

From: Steve Trefethen <steve1955tre@cs.com>
Sent: Saturday, December 29, 2018 7:56 AM
To: Cota, Keith; jamesmorgan@derrynh.org; davecaron@derrynh.org; steve1955tre@cs.com
Subject: Fwd: letter for the record State land taking 101 Franklin Derry llc
Attachments: Letter for the record 101 Franklin Derry llc..pdf

Hi Keith attached is a letter for the record on my land off exit 4a, Hwy. 93 in Derry NH. I also attached the letter I read and turned in at the December 5th meeting in Derry. I have also included the Derry Town Council Chairman and the Derry Town Manager in this email. I think they should see my concerns, I am sure they have their concerns. I would assume they are required by the same rules the property owners were advised as to the last day to get on the record being January 4th, 2019 Thanks Steve owner / manager 101 Franklin Derry llc.

Steve Trefethen Owner / Broker Summerview RE, Office 44 West Broadway Derry NH
03038 603 432-5453 Cell 603 512-0772 Fax 603 4329282
email steve1955tre@cs.com

E-mails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor create a binding contract until and unless a written contract and deposit has been signed and accepted by the parties.

**Keith Cota, P.E.
New Hampshire DOT
John O. Morton Building
P.O. Box 483
Hazen Drive
Concord, NH 03302-0483
Phone: (603) 271-1615
keith.cota@dot.nh.gov**

My name is Steve Trefethen owner and manager of 101 Franklin Derry llc. I am adding other concerns to the record of my letter I handed in at the December 5th meeting (see attached) in the Town of Derry. First let me start by saying it is understandable that property is needed to accommodate the 4a exit off Hwy. 93 in NH.. We know Londonderry and Woodmont acres will benefit greatly from such an exit. My real estate office and business at 44 W. Broadway in Derry NH. will be negatively affected by the drastic reduction in traffic on Broadway. My most profitable income properties, businesses, income, buildings and land located at 101 Franklin Street, 2-4 Folsom Street, 2.5 Folsom Street, and 6 Folsom Street will be devastated from the Eminent Domain.

1

The property at 9 Madden Road & 80 N. High will in itself take over 2 million in assessment dollars from the Derry tax rolls leaving nothing left to develop right off the exit. Those property will need to act as a filtered drainage area buffer from highway salt that has effected the water body their in the past. The property at American Excavating will be reduced leaving the real development starting at Franklin Street. The lots on the south side of N. High Street, Franklin Street, and Folsom Road are small residential homes that will see no tax or redevelopment benefits for Derry. There are 9 lots on the north side of Franklin Street, and Folsom Road that are left for re-development that will see no tax or redevelopment benefits for Derry for many years.

2

At the December 5th meeting a new map showed a water shed area place right in the middle of the deepest lots threatening to destroy the rest of economic development in Derry. The State now intents to take 5 million dollars in assessed land values off Derry's tax roll and destroy Derry's economic development off the exit. Derry is contributing 5 million dollars like Londonderry and will receive nothing other than more traffic being added into what looks like a residential area. The traffic will be removed from the downtown negatively affecting my business and the others on Broadway. Derry will receive less taxes for many years to come, raising my other property taxes in Derry.

3

Derry and the taxpayers deserve more planning on the remaining land that could benefit the Town and house the 25 business that will also leave Derry, The Town needs the deepest lots to be developed in conjunction with the building of the exit. The other smaller lots on Folsom Road must be accompanied by a larger development that the deeper lots can provide. There is only 9 lots along that road zoned for business. We need all the lots on that side of Folsom Road to be developed. I think to offer an appraised value for our land, property, income that is existing into the unforeseeable future is literally highway robbery. I think asking the Town and Derry's taxpayers to loose millions

4

of dollars in tax base for the 3-4 years until the highway is completed, then another 2 – 3 years for a buildings to be built, impacts all of us in Derry.

Its time for the State to step up to the plate and do the right thing. Design the water shed on Folsom Road so it has little to no effect on our property and opportunity to build. Start or create an assistance fund for the income that is lost due to vacancy's that will occur on property's whose history shows always full. To better plan for the housing and tenants that will be unable to replace the housing they have now. Reimburse the owners which I am one for lost future income, and improvements to the buildings and raw land that was done in the past. Those improvements may not add appraised value to the real estate other than to make them more desirable for the use they were purchased for and now to be lost Eminent Domain. Its time for the State to work with our Town officials and advise them of an exact full pitcher of what is being taken and what will be left to develop. The state wants the Town and property owners to respond by Jan. 5, 2019 on the record, yet we are told the final approved map wont be available until the end of 2019. That in itself would make the process unlawful. The state needs to have the final map available first.

5

I also believe the State should level the playing field with Londonderry and help with the missing tax base due to the loss of valuable property's being taken off the tax base. Derry and Londonderry put up equal amounts funding, 5 million dollars each. Londonderry will loose almost no tax base we will loose millions of dollars in tax base for many years. If Derry looses taxes I am negatively effected, if W. Broadway looses traffic I am negatively effected, If I loose my income properties I am negatively effected for many years to come. To loose both retail business while loosing my rental income and increasing my property taxes is a mix that can be devastating.

Based on the states land taking and the new proposed water shed area I have accompanied this letter with a map. It shows in orange the land being rendered as un-developable. Two areas outlined in red may need to be considered for water runoff if needed to some what minimize the loss to myself, the other owners and the Town of Derry. I would recommend that the state seek the towns advice and recommendations. Also another map and elevation from a building I sold in Hudson NH this year shows at minimum that I could build a 10,000+ ft. building in the back part of my remaining lot if the water shed was reconsidered. By acquiring one abutting lot I could possibly build 30,000 ft. of space housing the 25 businesses that Derry will loose.

6

More planning is needed. Derry allows mixed use and in my case General Commercial with housing at my lots, buildings, businesses and developable land are worth far more than an appraised value as a single use with an existing building that is much smaller than what could be done. There are to many issues to just take the wait and see approach. I want this letter to be part of the record and I am asking for an early meeting person to person for the many questions I have. I may also be able to help the state understand more why the points in this letter are so important to the Town of Derry and my family business. Please email or call me to confirm receipt of this letter and to set up a meeting at your earliest convenience.

7

Thank You Steve Trefethen
Owner Summerview RE
Owner / Manager 101 Franklin Derry llc
44 W. Broadway Derry, NH 03038
cell 603 512-0772

A handwritten signature in blue ink, followed by the date "12/28/18" also written in blue ink.

Do not put meeting
Record & Dismiss into Record

My name is Steve Trefethen owner and manager of the company (101 Franklin Derry llc.) That company owns multiple buildings, homes, and businesses on 2.6+ acres at Franklin Street & Folsom Road, being proposed as a land taking for the exit 4a on highway 93. The property contains 3 large and deep lots, 3 apartments, 2 houses (4 & 2 bedroom houses), a full size Mobile Home, 2 commercial units. The 2 commercial units includes a construction company, car lot and repair garage. All the buildings and homes have had many upgrades, including newer roofs, newer appliances, and improved lots. The property would produced residual income into the unforeseeable future. The commercial units are at a very high approved use unavailable at most other properties. There is an additional 1.7 acres of land there, zoned General Commercial not needed for the Exit 4a. that only requires a simple Planning Board approval.

For the record I was originally not for the exit and spoke out vocally against it. Once our Town Council voted for it, I supported the Town Council decision with a cautious voice as to cost over runs for the Town of Derry. The state will be taking over 3 million dollars of assessed valued properties off there Derry tax rolls. The State needs to work with all the land owners only take what they really need for the exit. Much of the unneeded property needs to remain with the land owners. The State needs to assist the owners with curb cuts as needed, and speed up the process with the land owners to allow those owners to start building on the remaining land. The replacement of those buildings, the businesses in Derry along with a replaced tax roll is nonnegotiable.

1

My questions are as follows:

1 Does the state intend to take only the property needed for the highway or does the state intend to take our very deep lots where 75% is not needed for the highway. It seems under 498A:1 2 Property can be taken if the "real property is to be put to public use, as defined in RSA 498-A:2, VII." Under VII. "Public use" In The Supreme Court decision of Kelo v. City of New London The necessity doctrine requires that a condemnor justify that the proposed taking is reasonably necessary for the stated purpose. Also under Kelo our state Supreme Court has ruled from a previous case that: When examining the language of a statute, we ascribe the plain and ordinary meaning to the words used." Trefethen v. Town of Derry, 164 N.H. 754, 755 (2013) (citation omitted). Simply put has the State already decided to take anything that is a owners lot no matter the size and necessary needed to perform the ultimate goal here and build Exit 4a, on Hwy 93.

2

1. How will the state appraise the property where the uses are many along with the residual income that should be realized for the many decades to come? How will the additional land not needed by the state on our property be effected and treated that includes a proposed use allowed by zoning for a 12000 ft building or a redesign of up to a 30,000 sq ft building?
2. How will the state compensate for our residual lost income and steady income in the event that we have early move outs after our tenants have realized the taking is now a reality?
3. What will the state do in the event that there is no rental housing for the tenants who need to rent a 4 bedroom that allows dogs and animals with 3 – 4 children? What will the state do about the tenants who can not just move to other business property that would require a site plan and zoning approval that will cost many thousands of dollars and sometimes takes over a year for approvals? What will the State do for the tenants who need housing parking for several cars and large out buildings to accommodate their needs. What will the State do for those small businesses who need to be very close or live in Derry to support their business, employees and family. What will the state do for the Town of Derry to keep those 25 to 30 businesses & revenue in the Town of Derry?
4. Will the State hold private meeting with the owners effected by the takings, or will the State file with the BTLA and notify the owners to start a costly process for both the owners and the State.
5. Finally what does the state have in the coffers to purchase property for exit 4a. In one hand out we have 12 residents, 5 business units, and 25 businesses, 41m needed for construction, 850k for moving transition lines, a budget of 56.6million. My question here is what does the state have in the coffers to purchase land and buildings for the taking of our properties.
6. I have many other concerns and issues of compensation and the legality of such a taking that may be based on simple appraised values that need to be discussed and agreed on. I remain confident that an agreement can be made and look forward to negotiating with the State in good faith.

3

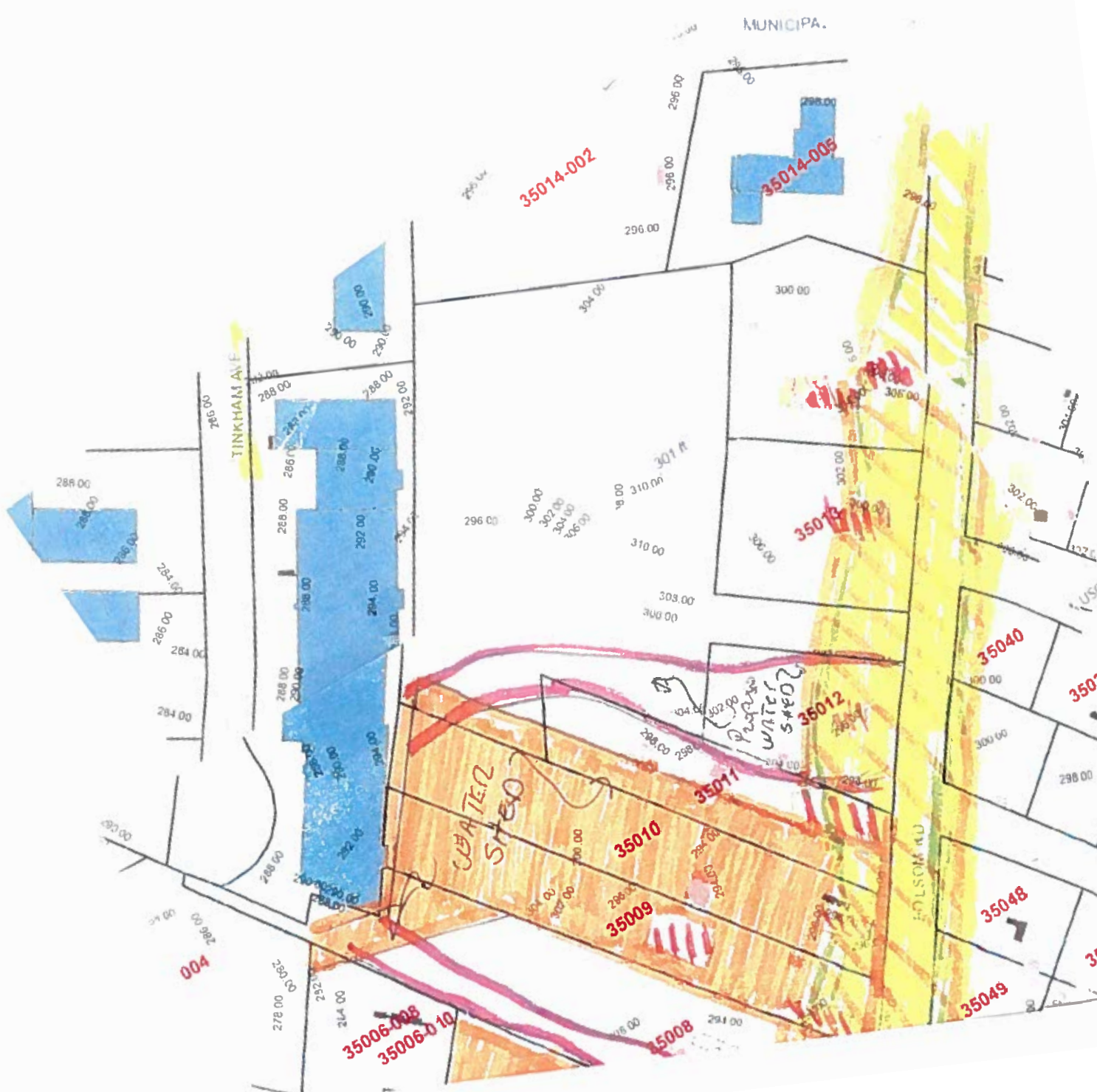
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MUNICIPAL

TINKHAM AVE

HOLSON RD

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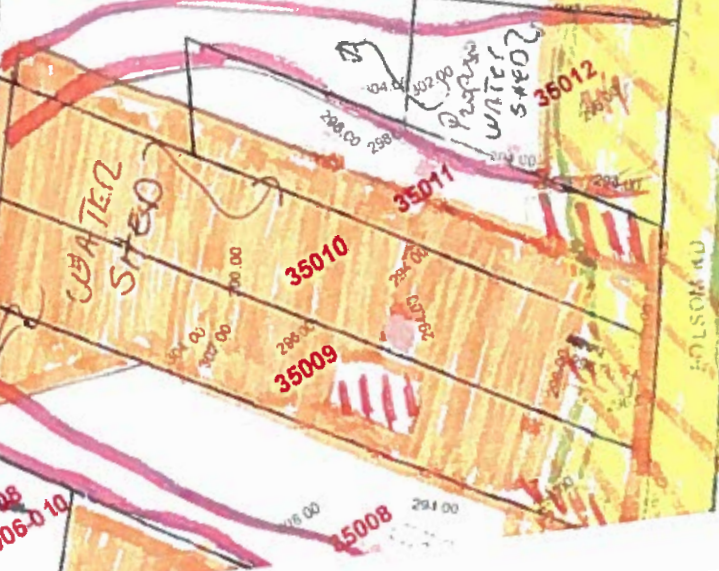
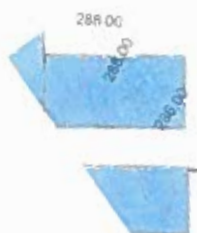
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WATER SHED

Paper WATER SHED



Town of Derry



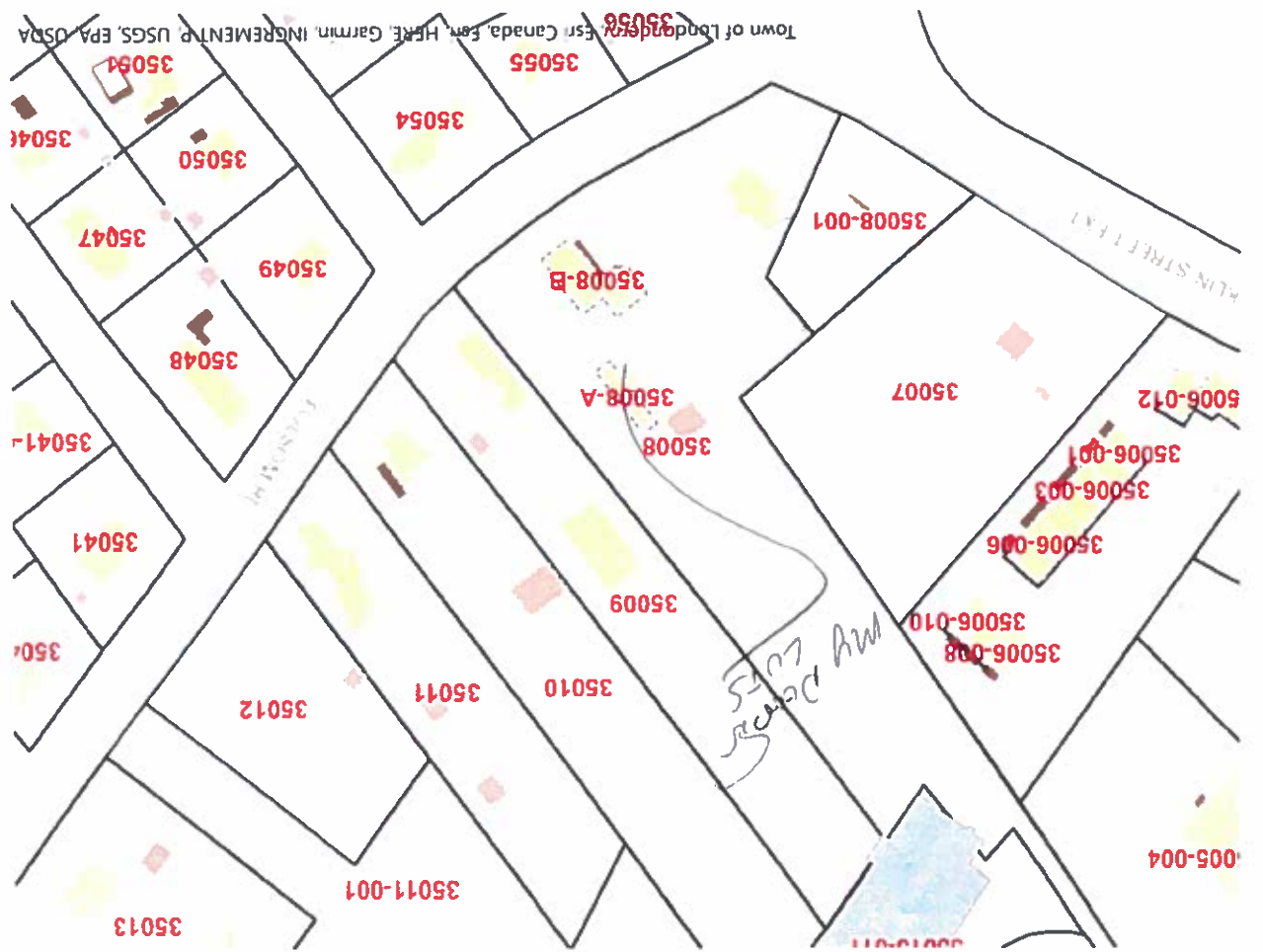
Town of Lunenburg, Lun. Canada, Lun. HERE, Lun. Garmen
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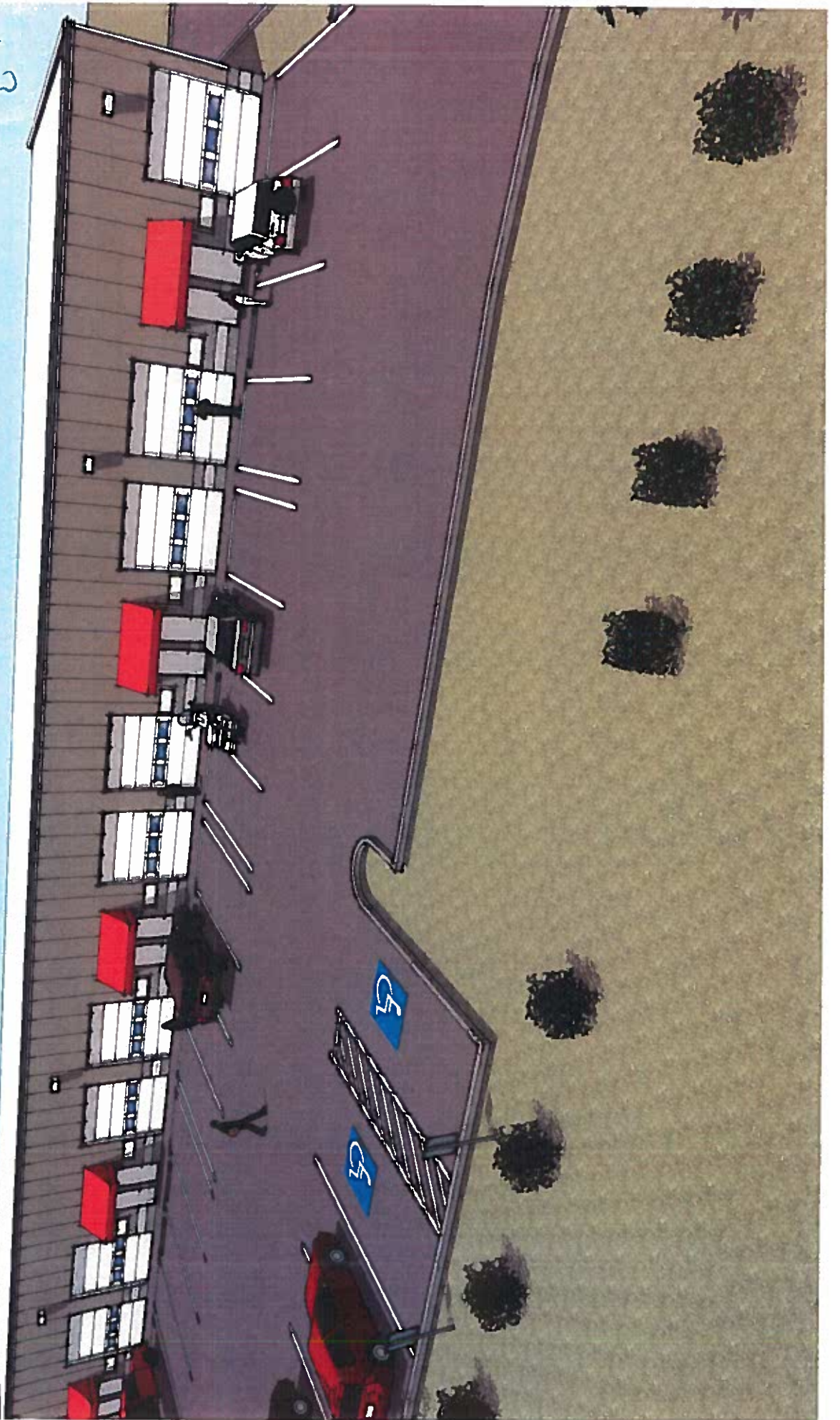
Building Features Misc [<all other values>](#)

Deck Multi Parcels

Building Out Building



Wrote notes
I sold in
Hudson
2018
1.2 mil



Cota, Keith

From: Brendena Torelli <brendenatorelliappraisals@gmail.com>
Sent: Friday, January 11, 2019 12:08 PM
To: Cota, Keith; billfleming
Subject: Re: Derry-Londonderry 13065 - Exit 4A, Inquiry from 56 Tsienneto Road
Attachments: our plan for 56 tsienneto01102019.pdf; DSCN7587.JPG; DSCN7589.JPG; DSCN7590.JPG; DSCN7591.JPG; DSCN7592.JPG; DSCN7593.JPG

Hi Keith, I just wanted to touch base. I never received a response from you regarding my Jan 2nd request. I drew up a little sketch, but I don't know if that is what you are looking for, again I have a pretty big file of our plans. See attached some info. Please advise, as we have so many questions, we are hoping to have a conversation about even if your side is at a preliminary point, you should still be able to have a conversation with us so we can proceed this Spring on our project.

On Wed, Jan 2, 2019 at 10:14 AM Brendena Torelli <brendenatorelliappraisals@gmail.com> wrote:
 Keith, I have a file that is very think of our plans we have been working toward and on since our purchase. If someone would honor our request and sit down with us and walk our site, I would be happy to go over and present my file. If you want me to scan and email as well I can do that. Just advise.

On Fri, Dec 28, 2018 at 3:52 PM Cota, Keith <Keith.Cota@dot.nh.gov> wrote:

Brendena,

Thanks for forwarding along your letter for the consideration by the Special Committee. It will be accepted as part of the Hearing record. I do acknowledge that not knowing the specific impacts to your property to address the adjustments to Tsienneto Road in support of the access to the new I-93 interchange compounds the your frustrations as you clearly spoke of and alluded to in your letter for the hearing record.

We will continue to work with the Town in evaluating the drainage treatment options for the project. Within this corridor of Tsienneto Road, it is a challenge to find sites within the undulating roadway that is adequate to meet the federal and state regulatory authority.

I want to assure you that your family of six is very important to the overall scheme. Knowing the hardships you, your husband and your family has endured shows great strengths to work toward amenable solutions. It is our hope to work with you and your long term plans for your property to ensure your investment and vision is achievable. I do sincerely hope we can work out an amicable solution that may serve all our needs. We will be evaluating our drainage needs to see how we can continue to work within your dreams for the property.

Should you have a plan that shows the vision for the ultimate use of your property which identifies the proposed location of livestock barn, the cobblestone walkway and lighting, it will help us to more clearly understand your vision and whether we will be able to minimize our exposure and impacts to it.

From: Brendena Torelli [mailto:brendenatorelliappraisals@gmail.com]

Sent: Friday, December 28, 2018 10:58 AM

To: Christopher Bean; Kathy Moore; Maria DiCarlo; billfleming; Colleen LeMay; Richard Metts; Aunt Sue

Cc: Cota, Keith; Michael A Fowler P.E. (mikefowler@derrynh.org)

Subject: Re: Exit 4A, Inquiry from 56 Tsienneto Road

Ok Gentlemen,

As you instructed I have written a letter and we mailed it this morning certified to The State of New Hampshire Department of Transportation and cc's etc. I hope you all had a great holiday and Happy New Year. Here's fingers crossed we get an appropriate response. As advised, this is pretty personal regarding how the proposed 4A project impacts us.

Best Regards,

Brendena and Bill Fleming

On Thu, Dec 6, 2018 at 2:24 PM Christopher Bean <CBean@fando.com> wrote:

Brendena,

I am pleased to see you were successful in connecting with me by email! Note that I copied Keith and Mike Fowler, Public Works Director on this response. I hope the conversation Keith and I had with you and your husband at the hearing was helpful. It helped us better understand your concerns.

To answer your question, the orange lines depict an area for a potential stormwater treatment easement. In speaking with our design team this morning, the concept here would involve an outlet from a roadway stormwater culvert into a gently sloped swale (ditch) that would run for several hundred feet then outfall into the pond. It would only have water flowing in it when there is a need for the catch basins along a section of roadway to discharge water. That is the concept. As Keith indicated, please send in your comments/concerns and the design team will take them into consideration when we figure out how to respond to them.

If you have any other questions, please let me know.

Thank you, Chris

*Sincerely yours,
Brendena M. Torelli-Fleming*



*Certified Residential R.E. Appraiser
FHA approved in MA & NH*

**Torelli Appraisal Service, LLC
978-535-0140 Peabody MA Office**

**603-552-5206 Derry NH Office
978-560-0653 Fax * 978-979-2246 Cel
www.torelliappraisalservice.com**

--

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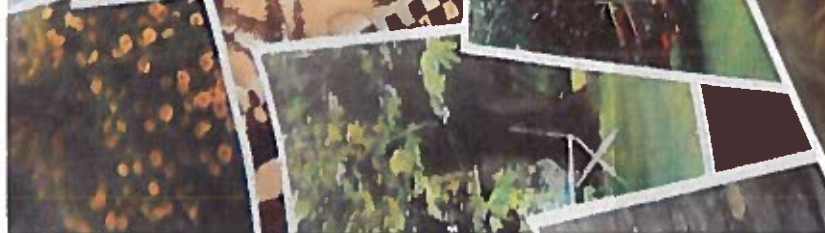








Talks



④
A small document or card with a green header and some text. It appears to be a checklist or a set of instructions.

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December 11, 2018

Reference Exit 4AUSGS (1991)

Federal ProjectIM-0931(201)

NH Project 13065

Attn: Michael Hicks

Dear Mr. Hicks:

As a follow up to our conversation at the recent meeting re. Exit 4-A, I am writing to bring to your attention the impacts of the said project about our property located at 22 Trolley Car Lane, Londonderry NH 03053.

We have noticed an increase of water flowing in our back yard. We have two running brooks that merge on our property and their flow and volume have increased.

We are very concerned about the future value of our property and any unforeseeable negative impact once this project is completed. We also have concern about the potential for flooding. Furthermore, with the elevation of the future overpass, we don't know what's going to happen. And finally, we have a stream of water, on the opposite side, that runs directly in front of our property.

We would appreciate that expert personnel from your Department from the Army Corps of Engineers be sent in order to conduct an assessment and thorough evaluation of our situation concerning this matter.

I can be contacted at home via e-mail at fcantave@aol.com or I can be reached at home, at 603-434-3261 or my cell: 603-770-4747.

Thank you and regards,

Frantz G. Cantave

Public Hearing
December 5, 2018

1 I do not see any. Does anybody else see
2 any? Very good.

3 I will now open the meeting to anyone
4 desiring to be heard, but we're going to start
5 with the card.

6 So, Steve Vadney. So I'd like you to
7 state your name and address and make your
8 comments.

9 **MEMBER OF THE PUBLIC:** Hi, my name is
10 **Steve Vadney.** I live at 5 Ferland Drive. It's
11 the very last house at the end of Ferland
12 Drive. And my wife and I live there. We built
13 a house there about three years ago.

14 And my first concern is that our house --
15 our paved cul-de-sac and our water line
16 easement don't show up on the map. And I'm
17 thinking because it's three years old that the
18 GIS wasn't updated.

19 So we bought this property a few years ago
20 with the anticipation of building two buildings
21 on it. The first building is a duplex, which
22 we've built. And we installed a cul-de-sac.
23 So we put quite a bit of money into
24 infrastructure for that, and in anticipation of
25 building another building on the other side of

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1 the cul-de-sac.

2 There's a proposed easement for water
3 treatment that is basically running through our
4 house, through the cul-de-sac, to the other
5 side of the property where we plan on building
6 another building.

7 So it's just our hope that the people that
8 have been involved in this project will work
9 with our engineer so we can find a way to
10 relocate this and make it work for everybody.
11 I believe my engineer believes that there's
12 stuff that can be done, so...

13 CHAIRMAN PRESCOTT: Be sure you print your
14 name there on the podium, if you have a pen.
15 Hopefully, there's a pen there.

16 The next person is Eleanor Sarsione
17 (phonetic). Eleanor Sarsione.

18 Steve Trefethen?

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19 MEMBER OF THE PUBLIC: My name is
20 Steve Trefethen. I'm the owner and manager of
21 a company at 101 Franklin, Derry -- an LLC, a
22 company that owns multiple buildings, homes,
23 and businesses on 2.6 acres at Franklin Street
24 and Folsom Road. It is being proposed as a
25 land taking for the exit of 4A on 93.

1 The property contains three large and deep
2 lots, a couple of apartments, a couple of
3 houses, a car lot, and a garage. All the
4 buildings and homes have had some upgrades,
5 including the newer roofs, some appliances,
6 improved lots. The property would produce
7 residual income into the foreseeable future.
8 The commercial units are at a very high
9 approved use unavailable at most properties.
10 There's an additional 1.7 acres of land there,
11 zoned General Commercial, not needed for Exit
12 4A, that only requires a simple Planning Board
13 approval to build.

14 For the record, I was originally not for
15 the exit and spoke out vocally against it.
16 Once our Town Council voted for it, I supported
17 the Town Council's decision with a cautious
18 voice as to cost overruns for the town of
19 Derry. The State will be taking over
20 \$3,000,000 of assessed valued properties off
21 their Derry tax rolls.

22 The State needs to work with all the
23 landowners, and only take what they really need
24 for the exit. Much of the unneeded property
25 needs to remain with the landowner. The State

1 needs to assist the owners with curb cuts as
2 needed, and speed up the process with the
3 landowners to allow those owners to start
4 building on the remaining land. The
5 replacement of those buildings -- the
6 businesses in Derry -- along with a replaced
7 tax roll, is non-negotiable.

8 My questions are as follows: Does the
9 State intend to take only the property needed
10 for the highway, or does the State intend to
11 take our very deep lots, where 75 percent is
12 not needed, for the highway? I understand that
13 the State -- under the law of Public Use, they
14 can --

15 Property can be taken if the, "Real
16 property," is to be put to public use. But
17 also, in Kelo v. the City of New London, the
18 Necessity Doctrine requires that a condemnor
19 must justify that the proposed taking is
20 reasonably necessary for the stated purpose.

21 And also under Kelo, the Supreme Court has
22 ruled from a previous case that when examining
23 the language -- the language of a statute, we
24 ascribe the plain and ordinary meaning to the
25 words used. Simply, has the State already

1 started to take anything that is owned -- that
2 is an owner's lot, no matter the size and
3 necessity needed, to perform the ultimate goal
4 here and build Exit 4?

5 Some other questions I have: How would
6 the State appraise the property, where the uses
7 are many, along with the residual incomes that
8 should be realized for many decades to come?
9 How will the additional land not needed by the
10 State on our property be effected and treated?

11 My land would include a Proposed Use
12 for -- allowed by zoning only if the Planning
13 Board approved for a 12,000-foot building or a
14 redesign of up to a 30,000 square-foot
15 building.

16 How will the State compensate for our
17 residual lost income and steady income, in the
18 event that we have early move-outs after our
19 tenants have realized the taking is now a
20 reality?

21 What will the State do in the event that
22 there is no rental housing for the tenants who
23 need to rend a house -- four-bedroom that
24 allows dogs and animals with three to four
25 children? What will the State do about the

5

6

7

8

1 approval that will cost many thousands of
2 dollars and sometimes takes over a year for
3 approvals?

4 So if the State takes our land and they
5 give you a -- they sell it off by 2023, by the
6 time this deal goes through, planning and
7 everything, that property won't be built until
8 probably 2026. And I don't know that that's
9 acceptable.

10 Will the State hold private meetings with
11 the property owners affected by the takings, or
12 will the State file with the BTLA and notify
13 the owners to start a costly process for both
14 the owners and the State? The public will need
15 to be -- hopefully be notified.

16 Will the properties be subject to state
17 and federal taxes? The gentleman was nice
18 enough to tell us they'll appraise the value,
19 but there's 20 percent, so we're going to all
20 lose a lot of money. And it's going to be a
21 pretty fast process once you come up with a
22 number of the appraised value.

23 Finally, what does the State have in the
24 coffers to purchase the property for Exit4 A?
25 In one hand out, we have, let me see, twelve

1 residents, five business units, and 25
2 businesses. That comes to 41,000,00 needed for
3 construction, 850,000 for the moving of
4 transition lines, and a budget of 56.6 million.
5 My questions here is very direct: What does
6 the State have in their coffers to acquire the
7 land they want to acquire?

8 I have many other concerns and issues of
9 compensation, and the legality of such a
10 taking, that may be based on the simple
11 appraised values that need to be discussed and
12 agreed on. I remain confident that an
13 agreement can be made, and look forward to
14 negotiating with the State.

15 No questions?

16 CHAIRMAN PRESCOTT: Thank you. And if you
17 would, Steve, print your name there on the
18 sheet and I'll call the next person.

19 Mrs. Diane Gurgess (phonetic). Diane?
20 Diane's not here.

21 Tom Carden. Tom, thank you. Come
22 forward. Please state your name.

23 **MEMBER OF THE PUBLIC:** My name is
24 **Tom Carden.** I live in Derry. I've been
25 following this project since the early '90s,

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1 when it made sense. Today, I'm opposed to the
2 project. I was pretty interested -- I don't
3 know if any of you remember Roberta Robie. She
4 worked on the Advisory Board for the 4A exit,
5 and she's always been a proponent of it. And
6 I've always kind of been opposed to it.

7 She called me the other day and we talked,
8 and then she said, "So, do you think 4A's going
9 to go through?"

10 And I said, "Yeah, I do think it's going
11 to go through. What do you think?"

12 And she says, "I don't think it's going to
13 go through." So I thought it was pretty
14 interesting how we were kind of on opposite
15 sides for a long time, but we kind of switched
16 what we think.

17 But the original idea for 4A was for
18 economic development in Derry. And in the 33
19 years since we've been planning this project, a
20 lot of the area over there has been developed.
21 I see very little benefit for Derry. I see
22 it's going to be a cut-through for a lot of
23 people going to Chester and Raymond.

24 The other thing is, I just see it
25 transforming Folsom Road into a -- basically, a

1 six-lane highway exit. And I pretty much feel
2 sorry for everybody that lives along that road.

3 I was noticing that one of the things that
4 was said up here is that people that live on
5 Fordham are going to have to make a U-turn to
6 get back to their house. And I just, you
7 know -- I don't think that's right.

8 The one thing that I did like, I saw that
9 there's going to be a 20-foot tunnel there for
10 the Rail Trail. And I think that's a positive
11 if it does go through.

12 And then I know there's an opinion if they
13 make bigger and better highways and access
14 roads, that the only thing they're really going
15 to do is bring in a lot more traffic. And I
16 think it's going to really do a number on that
17 area over there by Folsom Road.

18 Thank you.

19 CHAIRMAN PRESCOTT: Thank you, Tom. And
20 please write your name down there. Thank you,
21 Tom.

22 Chris Nickerson. Chris Nickerson.

23 Mark Connors.

24 Oh, Chris, you're here. Good.

25 Mark Connors, you're next.

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1 **MEMBER OF THE PUBLIC:** Good evening,
2 Mr. Chairman, members of the Committee. For
3 the record, my name is **Chris Nickerson**. I'm
4 here as an owner's representative on behalf
5 of -- sorry about that.

6 Good evening, Mr. Chairmen, members of the
7 Committee. For the record, my name is
8 Chris Nickerson. I'm here as an owner's
9 representative on behalf of the property owners
10 at 6, 9, 11, 14 and 15 Tsienneto Road. These
11 are located in the vicinity of Station 1088,
12 and about 1100.

13 Some of you may recognize these properties
14 as the Overlook Medical Community. It
15 collectively controls about 125,000 square feet
16 of medical office space, with expansion room
17 for another 75,000 feet of office space on
18 their site.

19 Within this community is some of the
20 largest independent practices in the state.
21 Some of the folks might recognize Derry Medical
22 Center, Concord Orthopedics, Derry Imaging
23 Center, Southern New Hampshire Internal
24 Medicine Associates, just to name a few.

25 I'd ask that the Committee take a look and

1

1 recognize the stake -- certainly a large one --
2 that the medical community has in this project,
3 and wholly offer that my clients, those
4 individuals at 6, 9, 11, 14, and 15 Tsienneto
5 Road wholly support this project. And that's
6 for three reasons.

7 The first one is economic development.
8 The medical community in Derry has participated
9 in quality development, some of which, like
10 Derry Medical Center, have been in the
11 community for over 60 years. I'm sure
12 there's -- plenty of patients in this room
13 right now have seen the buildings we've built,
14 and the product that we've brought to market,
15 and concede that it is indeed a quality
16 product. The second -- and for that I'd offer
17 to this -- excuse me, to this Committee that
18 infrastructure is wholly a component of quality
19 economic development. We support that.

20 The second thing that I would offer as a
21 reason for supporting this project is improved
22 access to care for patients. As I mentioned,
23 the Overlook Medical Community has over 125,000
24 feet of medical office space. As such, we're
25 not only a community service provider, but

1 rather a regional service provider. So
2 patients travel throughout the entire Southern
3 New Hampshire region to receive our services.
4 This project, and specifically the new
5 interchange, will undoubtedly help to provide
6 that regional access to care that we have the
7 ability to provide.

8 Third reason for supporting this project
9 would be higher quality care that we can
10 provide to patients. The Overlook Medical
11 Community has shown, quite simply, that the
12 days of having to travel to Boston for every
13 little procedure are over. We have MRIs, CTs,
14 nuclear medicine -- virtually any diagnostic
15 scan that a patient is looking for is available
16 in Derry.

17 Part of that is the development that we've
18 done and the subspecialties that we've been
19 able to bring to this center. The addition of
20 this new interchange, the addition of these
21 infrastructure improvements, allow us to
22 attract more of those subspecialties, and, as
23 such, bring, again, a higher quality care to
24 our patients and to the community at large.

25 Beyond that, I just offer that due to the

1 developments that we have in the project -- or,
2 excuse me, in the location, we have quite a
3 considerable amount of data, specifically
4 site-generated traffic, for each of our
5 buildings. And if that's something that we can
6 help provide to the design team, we'd be more
7 than happy to.

8 Thank you.

9 CHAIRMAN PRESCOTT: Thank you, Chris.

10 **Mark Connors**, you are next.

11 Concerning the Derry Rail Trail I see
12 there, just today we received notice that in
13 Hampton -- in the Portsmouth area, we were able
14 to purchase a little bit of Pan Am Rail.

15 **MEMBER OF THE PUBLIC**: Oh, great.

16 CHAIRMAN PRESCOTT: Yep. So we're getting
17 close to getting all the way from Massachusetts
18 to Maine.

19 **MEMBER OF THE PUBLIC**: Okay. Great.
20 Well, that's the East Coast Greenway Trail, and
21 that's a whole other ball of wax, but that's
22 great. That one runs all the way from Florida
23 to Maine, or it's supposed to. Glad we're
24 doing our part to make that happen.

25 I did just want to, first of all, thank

1 the Committee for taking the Rail Trail into
2 account in this project. I know early on it
3 wasn't, and we are very concerned about there
4 being a very serious gap there, so pleased to
5 see that the tunnel has been proposed and the
6 900 feet of trail will be built as part of
7 that. So, thank you for that.

8 Obviously, in your environmental study,
9 you referenced the various studies that have
10 gone on for many, many years, including the
11 Rizzo study, which basically called for the
12 Salem to Concord bikeway along this rail
13 corridor to be completed as an alternative
14 transportation corridor with the 93 project.

15 Unfortunately, that was never actually
16 followed up on -- funded, so it's been left to
17 a lot of local groups to kind of build this
18 rail piecemeal. And Wyndham, Salem,
19 Londonderry, Derry, and Manchester have all
20 been kind of trying to move their parts along.
21 So this is great that the State is getting
22 involved a little bit. We're hoping that maybe
23 there will be more involvement down the line.

24 The Rail Trail is one part of what we
25 envision as the Greater Granite State Rail

1 Trail. And this trail actually can connect all
2 the way from Salem, at the border of
3 Massachusetts, up to Lebanon on the border of
4 Vermont. 53 miles are already done in the
5 northern part coming down through Boston.
6 There's a gap between Concord and Manchester
7 that's going to need the state and federal
8 folks to look at, because there's active rail
9 and there's a very tricky situation there with
10 the City.

11 So we're hoping this trail will actually
12 end up being a state-wide trail and a resource
13 that will bring tourism and additional
14 environmental -- excuse me, economic benefits
15 that we're seeing here in Derry.

16 Just briefly on the plan, one thing --
17 where there was some wetlands mitigation.
18 You're putting in a new culvert under Folsom
19 Road, evidently, that could replace the little
20 tin ones that are there, just north of where
21 you're going to put the tunnel in behind where
22 Kelsen Brewery is -- one of the buildings that
23 you're going to be taking.

24 On the rail corridor, there was an old
25 granite rail -- culvert, or whatever you want

1 to call it -- a little bridge where the rail
2 went over that same Shields Brook that has been
3 demolished for years. The big granite blocks
4 are falling into the water. That's where these
5 -- I don't know what kind of impact you putting
6 a larger culvert under the road is going to
7 have for that stream coming down, or if
8 anyone's looking at that wetlands impact.
9 That's just a little bit north of the boundary
10 of your project on the map over there.

11 It's actually dead center where the, "H,"
12 is for the historic designation of the rail
13 corridor. So someone might just want to look
14 at that. You may want to be thinking about
15 putting in some sort of a box culvert or
16 something for the stream to appropriately flow
17 through there. Because if you open it up
18 downstream, I think you're going to have a lot
19 of erosion of the rail corridor just north of
20 there since there's no proper culvert.

21 One other thing, you know -- from the Rail
22 Trail's perspective -- and again, we appreciate
23 that the project's even considering putting the
24 tunnel in, but we are -- we have basically a
25 one-mile section between where your project is

1 and the London-Derry line now.

2 Londonderry Trailways has brought their
3 trail all the way south to Route 28 at Seasons
4 Lane. We've brought our trail all the way up
5 to Hood Park, and we have funding -- cash to
6 get it across the dam and up to North High
7 Street. That would have been done last year,
8 but there's been some reconstruction of the dam
9 at Hood Pond that was required by the New
10 Hampshire DES. We are hopeful that maybe the
11 State or folks involved in this project would
12 look at that one-mile section between the
13 completed section.

14 And while you're doing this, it's probably
15 pennies on the dollar to add and pave that
16 section -- while you have all of this going on
17 to complete that section of the missing trail.

18 We do realize that it's actually privately
19 held land, you know. There's a lot of
20 different pieces that come together with this
21 regarding the project that's going on in
22 Londonderry, but -- just looking at the bigger
23 picture.

24 So we're happy to have what you're doing.
25 If you can do a little bit more, that would be

1 great. And hopefully, someone will really take
2 a look at the full Granite State Rail Trail
3 project. And in my lifetime, maybe we'll see
4 that happen.

5 Thank you.

6 CHAIRMAN PRESCOTT: Yes. Thank you, Mark.
7 Please put your name and address.

8 Nancy Francis (phonetic). Nancy Francis.

9 If Nancy's not here, is Ashley Haseltine?
10 Thank you very much.

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11 MEMBER OF THE PUBLIC: Hello, I am
12 Ashley Haseltine representing the Greater Derry
13 Londonderry Chamber of Commerce.

14 Dear Chairman Prescott and members of the
15 Special Committee, on behalf of the more than
16 300 member businesses of the Greater Derry
17 Londonderry Chamber of Commerce, the
18 organization's Board of Directors endorses the
19 I-93 Exit 4A project affecting the towns of
20 Derry and Londonderry. The Chamber encompasses
21 business from Atkinson, Auburn, Chester, Derry,
22 Hampstead, Londonderry, Sandown and Windham.

23 The Towns of Derry and Londonderry and the
24 New Hampshire Department of Transportation, in
25 cooperation with the FHA, have advanced an

1 updated environmental study for the I-93 Exit
2 4A project. The proposed addition of the
3 diamond interchange on I-93 in Londonderry,
4 approximately one mile north of Exit 4, will
5 provide additional access to the east side of
6 the interstate and divert traffic from Exit 4.
7 The one-mile connector roadway built on the new
8 alignment, from the interchange of Folsom Road
9 near the intersection of North High Street and
10 Madden Road in Derry, and subsequently
11 Tsienneto Road, would create additional
12 improvements to local roads impacted by the
13 additional exit.

14 The purpose of this project is to reduce
15 congestion, particularly along the revitalized
16 downtown portion of Derry along Route 102 and
17 improve both traffic and pedestrian safety, as
18 well as promote economic vitality in the
19 Derry/Londonderry area. It also will provide
20 improved interstate access for commercial and
21 industrial zoned lands near the 4A exit and
22 along NH Route 28 in both Derry and
23 Londonderry. This will help enable the Towns
24 to further their economic development goals and
25 tax base diversification.

1 Additional access to I-93 as well as
2 improvements to area roads are a key ingredient
3 for economic growth. Investments in
4 infrastructure sends the message that New
5 Hampshire is open for business and welcoming
6 new companies and individuals. The proposed
7 exit and connector road creates additional
8 opportunities for businesses to locate or
9 expand in the Derry/Londonderry region. Our
10 communities have seen large employers locate
11 outside of our region, including in other
12 states, due to transportation concerns. That
13 trend is sure to continue if we do not
14 continuously look to improve our region's
15 infrastructure.

16 In short, completing the I-93 Exit 4A
17 project will be a win for business and
18 residential consumers alike. Thank you your
19 consideration of our position.

20 CHAIRMAN PRESCOTT: Thank you, Ashley.
21 Matthew Murphy (phonetic). Matthew?
22 Larry Rider. Thank you, Larry.

23 **MEMBER OF THE PUBLIC:** My name is **Larry**
24 **Rider**. I live at 34 Tsienneto Road. I've been
25 there since 1960. And there is a reason that

1 we need a lot of traffic fixing. And I know 4A
2 is going to help getting some of the traffic
3 off the highway, but I still don't see how it's
4 going to get all of it. Anybody in the
5 southern part of Derry/Londonderry -- they are
6 still going to be getting off on Route 4.

7 And something that would probably help, in
8 addition to this, would be to have something
9 like another exit the same way down on Kendall
10 Pond Road or the Windham Road, also. So the
11 more traffic that is going to be able to get
12 off the highway and just go right to their
13 neighborhoods would reduce the back-up that we
14 have.

15 Biggest problem I have is on our part of
16 Tsienneto Road, they want to widen it out,
17 which -- this would be the second time I'd have
18 to re-do my hedge field, because we had to do
19 it the first time they widened it out. I'm not
20 sure how having the extra four-foot lanes or
21 five-foot lanes on either side is really going
22 to help on the traffic. And it seems that once
23 you do the intersections at Tsienneto Road, and
24 the bypass, and over at the 102, the majority
25 of the road could just stay as it is without

1 having to spend money on working on it.

2 Also, in the mornings we have a lot of
3 traffic back up, and a lot of it is because of
4 Pinkerton. The traffic -- I've been watching
5 it and it backs up from Pinkerton all the way
6 up past Tsienneto Road. So when the light
7 changes, you only have two or three cars that
8 can pull out onto the bypass because everybody
9 is crossing. And something that would probably
10 help that out would be if there was a
11 pedestrian walkover so that they could walk
12 right across above it on a bridge, so that we
13 wouldn't be stopping the traffic all the time.

14 So I'm also concerned about the way
15 everything's going to be changed. The Folsom
16 Road, which was a nice road, is going to
17 become, basically, a highway. And it's going
18 to be bigger than Crystal Avenue. And I don't
19 really see -- because the traffic is a few
20 hours in the morning, a few hours at night.
21 And during the daytime when I go down there,
22 there isn't hardly any traffic. And to have a
23 six-lane road there just seems like it's
24 overkill.

25 So that's all I have to say. Thank you.

1 CHAIRMAN PRESCOTT: Thank you very much,
2 Larry.

3 Ron Randall. Good evening, Ron.

4 MEMBER OF THE PUBLIC: Good evening. Two
5 things.

6 First off, my name is Ron -- not Roland,
7 not Raymond, as it's been listed twice on your
8 maps and through an e-mail. That's, R-O-N.
9 Last name is Randall.

10 I live at 2 Ferland Drive with my wife and
11 daughters. Our house is slated to be taken, it
12 appears, due, I guess -- after I found out this
13 evening, due to the Rail Trail. Our family
14 understands it. We're for it. So I guess
15 all's I'm trying to put out now on the record
16 is that we would like early acquisition and to
17 be kept in the loop as much as possible.

18 And that's it.

19 CHAIRMAN PRESCOTT: All right. Thank you,
20 Ron.

21 George Shiserva (indicating). I can't
22 pronounce the name, I'm sure. Is George here?
23 Second name starts with, S-C-H.

24 Ray Breslin. Ray Breslin?

25 Would anyone else like to speak? Oh, Ray,

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1

1 you're here. Good.

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2 **MEMBER OF THE PUBLIC:** Not necessarily.

3 **Ray Breslin.** I'm from Londonderry. And
4 I've heard a lot of positive comments about
5 this, and -- but -- I'm not an engineer, I'm
6 not an expert, but it seems to me that putting
7 this on this -- Route Number 5, or whatever
8 we're calling it here, Alternate Number 5, and
9 putting all this traffic back towards the
10 direction of Derry in a very heavily -- area
11 where there's a lot of houses and businesses --
12 as much as 25 businesses, as we see. And to
13 dump this traffic out -- additional traffic out
14 on Ross Corner doesn't seem to make a lot of
15 sense to me.

16 As it stands right now, Ross Corner has
17 been improved in the past five years, but it is
18 an extremely busy intersection. And beyond
19 that, going up Tsienneto Road -- Tsienneto Road
20 still has room for more businesses, but we're
21 going to limit the turning of traffic from
22 people coming out of those condos. They either
23 got to go towards the northeast -- they can't
24 go to the left -- or they've got to cut through
25 their development over what -- or cut through

1 the development and come out on Pinkerton Road.

2 To me it seems, though, that we're picking
3 this Route A as the best possible route. And
4 quite frankly, I don't agree. Looking at the
5 Exit 4A preliminary draft, if you're going to
6 have the exit -- the diamond exit off 93 in the
7 location where you're showing it, is -- which
8 is where the utility cord goes across, I don't
9 have any problem with that.

10 But to send the traffic back into a
11 heavily residential area, where there's a lot
12 of business, a lot of traffic -- Ash Street. A
13 lot of people cut through from Pillsbury to Ash
14 Street to avoid going through the town of
15 Derry. That's true. But that traffic's not
16 going to go away. We've got additional traffic
17 coming.

18 This is a serious matter; okay. I'm not
19 an expert. I'm not an engineer. But if you
20 come off 93 where you're showing it
21 here (indicating) -- that should go slightly to
22 the north. It shouldn't cut across to, I
23 think, what we call Ashleigh Drive; okay?
24 That's an existing roadway that goes up by the
25 new Walmart; okay.

1 Now, any way you figure it, there is going
2 to be wetland impact. I realize that. You've
3 got Shields Brook, you've got other wetland
4 there. And by the way, I haven't seen any soil
5 studies. I assume the Environmental Impact
6 Study is going to show that, which we've been
7 waiting for for, I don't know, 30 years.

8 There's a lot of wetland in this area
9 we're talking about making into industrial
10 land. It's a lot of -- it's not flat land.
11 It's a lot of high elevation; okay. It's not
12 like it's going to be -- we're going to put
13 road in and we're just going to build
14 buildings. If anything -- oh.

15 By the way, there's a utility easement
16 going north and south, I believe, in there too.
17 If we talk about putting in a culvert for the
18 Rail Trail, I think you're going to be putting
19 a culvert in wetland. Now, unless, of course,
20 you put it up above the water table, which you
21 would have to be, but that's kind of a -- with
22 Shields Brook coming down through there,
23 potentially, that's, I would think, close to a
24 flood zone; okay.

25 So I hate to be so negative, but I think

1 from a commonsense standpoint, it would make a
2 lot more sense to put this slightly to the
3 north up by Ashleigh Drive. And before you
4 know it, you're going to run into a utility
5 easement. National Grid -- whatever's -- I
6 think it's probably National Grid, Eversource,
7 whatever. Now, if you ever traveled around the
8 country, you've seen highways, and right along
9 it you see high-tension; okay. So there's no
10 reason you can't have a roadway paralleling a
11 high tension; okay?

12 Now, getting back to Tsienneto Road. Once
13 you go over Bypass 28, that is a very secondary
14 residential road. It has a very sharp corner.
15 It has a down hill. If you're coming up that
16 hill in the wintertime, you probably -- if it's
17 snow and ice covered, you've got a problem.
18 You're probably going to get stuck; right?

19 Now, what are we going to do? We're going
20 to widen that road? I mean, that road was
21 already redone probably five years ago -- put
22 all new sidewalks and curbing. We're going to
23 take all that out of there?

24 You go down to the end, there, and what do
25 you got? You've got a backup of traffic; okay.

1 Oh, we're going to put lights in there. That's
2 going to stop traffic on 28. If you're coming
3 from Chester, you come down that hill, it's
4 quite a steep hill. You come down there in the
5 wintertime, there's no assurance you're going
6 to stop.

7 You get a lot of traffic in the morning.
8 People coming from the area of Raymond and
9 Chester going towards Derry. They come down
10 off that hill, all the traffic's backed up
11 there. Not a good situation. We're talking
12 about safety, here.

13 Are we improving safety? To me, we're
14 putting a lot of -- I'm sorry. I'm from
15 Londonderry. We are talking about property in
16 Londonderry here, but this is affecting a lot
17 of people in Derry -- I'm not sure in a
18 positive manner. Okay.

19 I've said enough. I'm sorry I'm so
20 negative, but I think it would be important to
21 realize that we have not decided on the route
22 yet -- or have we? Can I ask that question?
23 Have we decided on the route?

24 CHAIRMAN PRESCOTT: I think the answer
25 will be coming to you after this evening.

1 MEMBER OF THE PUBLIC: Well...

2 CHAIRMAN PRESCOTT: Thank you for coming
3 this evening. Put your name and address down
4 there.

5 MEMBER OF THE PUBLIC: Well, thank you for
6 your time.

7 CHAIRMAN PRESCOTT: Is there anyone else
8 who wishes to speak this evening?

9 Please come forward and state your name
10 and address. Thank you.

11 MEMBER OF THE PUBLIC: John Madden. Me
12 and my wife own 5 Folsom Road in Derry.

13 My concerns are basically the devaluation
14 of our property if the road goes through,
15 because what -- it doesn't look like we will be
16 taken, but my big concern, whether we're taken
17 or not, is the safety issue. I cannot see
18 the -- Folsom Road right now is not the safest
19 place or the slowest place for traffic. If you
20 continue and make that a six-way highway, how
21 is anybody with the same situation we have
22 going to back up into a highway and be safe?

23 This cannot be avoided. Somebody has to
24 look into this. Again, I'm not the only
25 home -- there's others, but I just can't see

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1 how you can assume without looking at this and
2 coming up with some suggestions or remedies to
3 control this.

4 And again, the other thing is the
5 devaluation. I can see our property, with a
6 six-lane highway in front of it, devaluating,
7 no question about it. What is the State going
8 to do? Nothing?

9 That's all. Thank you.

10 CHAIRMAN PRESCOTT: Yes. Please write
11 your name down there, John, and your address.
12 Thank you.

13 And who else would like to speak as soon
14 as John is done writing his name? Thank you.

15 We're looking forward to your statement.
16 And state your name and address for the record.

17 **MEMBER OF THE PUBLIC:** Yep. My name is
18 **Daniel Jackson.** I live at 84 Chester Road,
19 which is the corner. I have the little small
20 house with the brook behind it.

21 And I think you guys were proposing to put
22 the flood gate up on the Tsienneto end of that
23 street, coming towards me. I guess I'd just be
24 worried that when you guys decide to let that
25 go -- I'm obviously on the downstream side of

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1 it. It's already a really bad flooding area --
2 definitely a problem with the culvert beyond
3 the pumping station where you guys terminate,
4 you know, your road.

5 So pretty much the whole area, you know --
6 it really -- the light doesn't bug me so much.
7 There should be a light there. A lot of
8 accidents. But it would be the water there --
9 everything you do to that Tsienneto side, that
10 water coming at me would affect my water flow.

11 And it's already bad, you know. I think
12 I've had plenty of people wading through my
13 swamps with flags and, you know, asking them
14 what it's for, hoping it's to solve the issue
15 with the culvert downstream of my house.

16 But I really, you know -- guys talking
17 about the biggest bridge, you talked about
18 covering water. That 40-foot bridge with the
19 flood gate on the other side of -- it only
20 seems like it's going to pump more water to me
21 when available.

22 And beyond that, there's a lot of broken
23 culverts that come from, say, the North Shore
24 Road side of 102, and diagonally under the
25 intersection. Will those be reinstated?

1 Because right now they're crushed, you know.
2 So the real flow's not there.

3 And then back, maybe, to what the other
4 guy mentioned. Is the value of my property
5 going down with that type of intersection going
6 there, you know? I'll be walking out to now a
7 line of traffic instead of constant-moving
8 traffic. I have kids -- all those concerns.

9 Thank you.

10 CHAIRMAN PRESCOTT: Sure. Please put your
11 name and address down there. Thank you.

12 And, yes, come right up as soon as we have
13 the name and address. And state your name for
14 the record. Thank you.

P37 15 **MEMBER OF THE PUBLIC:** Good evening,
16 Committee. My name is **Alice Archambault**. I
17 live, currently, at 87 Franklin Street. I'm on
18 the corner of Franklin and Exeter Street. My
19 husband and I have been there about 20 years,
20 now.

21 I do have concerns about the traffic down
22 by Folsom Road coming up Franklin Street. We
23 got a letter saying that they need to take some
24 of our property in the front of our houses. I
25 speak, too, for a couple of my neighbors, as

1 well.

2 It's very congested in that little
3 section. We've already gotten hit on that
4 corner. A man actually hit the house. Thank
5 God I had some hedges in the front. They kind
6 of saved our house.

7 So my concern is the traffic. Certainly,
8 with everyone, I am concerned about -- if they
9 take more of our front corner that that house
10 is going to be exposed, right, to heavier
11 traffic. There's a lot of side streets. A lot
12 of people cut through Exeter to get to Crystal
13 Ave. It's very busy back there. There's a lot
14 of children in that neighborhood in the back.

15 So I am concerned about that, although I
16 do agree that we need an extra exit off 93,
17 because 102 is just horrendous. For those
18 people who travel and commute every day, it's a
19 nightmare. And so I just wanted to voice my
20 concern about the traffic, especially on that
21 corner.

22 And, thank you.

23 CHAIRMAN PRESCOTT: Thank you, Alice, and
24 please print your name and address.

25 And anyone -- raise your hand if you wish

1 to speak. All right.

2 Come right up. Thank you. Good evening.

3 MEMBER OF THE PUBLIC: How are you doing?

4 CHAIRMAN PRESCOTT: Good.

5 MEMBER OF THE PUBLIC: My name's

6 John DeGroot. I own Jake's Autobody on Chester
7 Road.

8 And my driveway that enters the garage is
9 on Tsienneto Road. And I look at all you
10 people, and you say you're going to make this
11 road a 35-mile-an-hour road. And people on
12 there are doing 60 now, and you're going to
13 straighten it out? I don't know how you're
14 going to propose to do that.

15 I mean, the road is already overtaken with
16 cars in the afternoon. From four to, like,
17 seven o'clock, there's probably two or three
18 miles of cars going up Tsienneto Road. It's
19 almost impossible for me to get out at the end
20 of my road. And when I road test cars at that
21 time of night, I go out on my road, I go up the
22 hill, go down Beaver Road -- go down, come
23 back, and cars will only be, like, two cars.

24 The light's a great idea, but still, you
25 guys need to look at this whole project. That

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1 is not going to be a 35-mile-an-hour road. And
2 I praise the Derry Police. They do a great
3 job, and they're going to get a lot of money
4 off that road if they sit out there. But it's
5 going to do nothing but slow it down.

6 So I think you really need to go back and
7 study the whole thing again, and see what
8 you're going to do. You're making a road, now,
9 that's hilly and all around circles -- and
10 there's edges, and there's corners, and you're
11 going to straighten it out and make it 35.

12 I think you need to go back to the drawing
13 board. That's all I have to say. I've been
14 hearing about this project since 1960 and it
15 hasn't happened yet. So I think there are
16 other ways you can get around this town without
17 going that route, but that's just my opinion.

18 CHAIRMAN PRESCOTT: Thank you, John.
19 Please print your name there.

20 Anyone else, raise your hand. Who would
21 like to speak? I want you to give your
22 statement, and you'll get an answer to any
23 question. Tonight's the night.

24 Since there is no indication of anyone
25 remaining who desires to be heard, this hearing

From: Butler, John (DOT)
Sent: Thursday, December 06, 2018 1:52 PM
To: 'Kevin Hatch Cornerstone Survey'; Cota, Keith; stevevadney@gmail.com
Subject: RE: 5 Ferland Drive Derry, NH

Thank you Kevin.

Steve: Thank you for explaining this to me at last night's public hearing. This information will be helpful as our project moves forward and we begin to refine the conceptual stormwater treatment areas. I can't promise that we will be able to shift the treatment area off your property but we investigate your recommendation.

John Butler
NH Department of Transportation
Bureau of Highway Design
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

Ph. 603-271-7420

From: Kevin Hatch Cornerstone Survey [mailto:cornerstonesurvey@comcast.net]
Sent: Thursday, December 06, 2018 12:00 PM
To: Cota, Keith; Butler, John (DOT); stevevadney@gmail.com
Subject: 5 Ferland Drive Derry, NH

Hi Keith and John,

My clients Steve and Shannon Vadney asked me to forward the attached plan which shows a proposed 4 unit building. Steve and Shannon have already built out the cul-de-sac and graded the property in anticipation of this building project. I have put together a design that can accommodate a drainage easement for the exit 4a project which will not affect the Vadney's proposed building. The Vadney's have a water line easement over 85 North High St, (marked on the plan) however there is no water line currently installed so that would not pose a problem with the installation of the proposed culvert. Additionally, the Covey Run project is fully developed so putting the stormwater treatment area behind that project would have no adverse effect on Covey Run. The soil is very sandy behind Covey Run so it would be easy to work with. I have additional topography of the area

that is not shown on the attached plan, if it would be useful you are welcome to the data, just let me know what format you need.

Please feel free to contact me with any questions, or Steve directly at 603-315-5613.

Kevin E Hatch LLS

Cornerstone Survey Associates Inc.

25 Whitetail Lane Chester, NH 03036

(603) 887-6647

Cornerstonesurvey@comcast.net

From: Cota, Keith <Keith.Cota@dot.nh.gov>
Sent: Tuesday, December 11, 2018 10:09 AM
To: Christopher Bean; Michael A Fowler P.E. (mikefowler@derrynh.org); Jamison S. Sikora (jamie.sikora@dot.gov)
Cc: Tidd, Leo; Snyder, Kerri; Butler, John (DOT); Laurin, Marc
Subject: RE: Exit 4A Property Owner Inquiry, Mitchell parcel east of SunView Condos on Tsienneto Road

To all,

I too had a phone call from Mr. Mitchell prior to hearing inquiring as to impacts to his property. I explained the impacts as shown on the hearing plan. | 1

Keith A. Cota, PE
Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
Room 200
Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov



From: Christopher Bean [mailto:CBean@fando.com]
Sent: Friday, December 7, 2018 3:00 PM
To: Michael A Fowler P.E. (mikefowler@derrynh.org); Cota, Keith; Jamison S. Sikora (jamie.sikora@dot.gov)
Cc: Leo Tidd (ltidd@louisberger.com); Kerri Snyder (ksnyder@louisberger.com); Christopher Bean; Butler, John (DOT); Laurin, Marc
Subject: FW: Exit 4A Property Owner Inquiry, Mitchell parcel east of SunView Condos on Tsienneto Road

FYI Chris

Christopher R. Bean, PE
Senior Vice President | Regional Manager
Fuss & O'Neill, Inc | 540 North Commercial Street | Manchester, NH 03101

From: Christopher Bean
Sent: Friday, December 07, 2018 2:55 PM
To: Michael C. Hicks (Michael.C.Hicks@usace.army.mil)
Cc: Christopher Bean
Subject: Exit 4A Property Owner Inquiry, Mitchell parcel east of SunView Condos

Mike,

As expected immediately after our phone discussion, I received a call from Tom Mitchell (520.560.4842).

He explained that he owns a vacant parcel just to the east of SunView Condominiums on Tsienneto Road. He wanted to know where traffic signals were being proposed.

He had received notice of the hearing notices from the NHDOT and the ACOE. He had a question so he called you. After answering his question about where the traffic signals were being proposed, I suggested he get onto the project website and review the hearing plan. I told him so more details about what was proposed along his section of Tsienneto Road and he was pleased.

Thank you for referring Mr. Mitchell to me.

Chris



Christopher R. Bean, PE
Senior Vice President | Regional Manager

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From: Christopher Bean <CBean@fando.com>
Sent: Wednesday, December 19, 2018 12:26 PM
To: Tidd, Leo; Snyder, Kerri
Cc: Christopher Bean
Subject: FW: Derry-Londonderry 13065 - MET-L MACHINE MADDEN RD

FYI Chris

From: Cota, Keith [mailto:Keith.Cota@dot.nh.gov]
Sent: Wednesday, December 19, 2018 2:22 PM
To: Bill Kennedy (metl44@comcast.net)
Cc: Christopher Bean; Butler, John (DOT); LaBonte, Stephen; Johnson, John; JCzyzowski@londonderrynh.org; Mike Fowler (mikefowler@derrynh.org)
Subject: RE: Derry-Londonderry 13065 - MET-L MACHINE MADDEN RD

Bill,

I am not aware of who you have contacted in regards to your inquires for time and process for right-of-way acquisition/relocation. I checked my email communication and did not find any inquiries to date. In any regards, the right-of-way acquisition process will not start for the purchasing of any properties until we have layout approval through the Special Committee and the approval of the environmental document through FHWA with the issuance of the final "record of decision" (ROD). Based upon our projected timeline, we are hoping to obtain the ROD in the early spring of 2019.

At the conclusion of the ROD, NHDOT will be taking control of the project from the Towns of Derry and Londonderry to include final design, permits and right-of-way acquisitions & relocation assistance. Because the property where you are located is identified for a full acquisition, we will first be working with the property owner with the development of a property appraisal to determine the purchase offer. As the appraisal is being completed, the Department Relocation staff will be in contact with business units to start a review of the relocation program and timing for moving. The first documentation we request is a copy of the lease rental agreement that you have with the property owner. This qualifies you for business relocation benefits. The general outline of reimbursable costs for relocation is outlined in the following ROW document (refer to page 30/31):

<https://www.nh.gov/dot/org/projectdevelopment/rightofway/documents/dmmbbook.pdf>

As part of our process, you will be assigned a ROW agent to assist you through the process. The timing of this assignment can be advanced if you request early relocation assistance. If you feel your business has special needs to be considered under the relocation process that may require challenging site locations and/or extended time, I would recommend to you to send in a letter during the hearing process requesting early relocation assistance.

The letter can be sent to: Chairman of the Special Committee, c/o Peter E. Stamnas, Director of Project Development, NH Department of Transportation, PO Box 483, Concord, NH 03302-0483.

I would expect the process will kick off in late spring or early summer with the relocation schedule dependent upon our specific relocation needs. If relocation can be completed by the end of next year or early in 2020, we will work with you as needed.

I will offer the opportunity to meet with you and to bring along our lead Relocation Officer to review your operation and further open discussions as to the timing and process. Please let me know if you would like to take up my offer to meet. I hope this helps to answer some of your questions as to timing.

Keith A. Cota, PE
Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
Room 200
Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov



From: Christopher Bean [mailto:CBean@fando.com]
Sent: Wednesday, December 19, 2018 9:26 AM
To: Cota, Keith
Cc: Bill Kennedy (metl44@comcast.net); Christopher Bean; Butler, John (DOT)
Subject: FW: BULK: MET-L MACHINE MADDEN RD
Importance: Low

Keith,

I called Bill and left a voicemail message indicating I would be forwarding his inquiry to you to respond to since it deals with the Right of Way process and anticipated timing. I told Bill in the voicemail that the project will be moving forward if the Special Committee approves the Necessity for the Layout and if the Environmental Impact Statement receives a positive Record of Decision.

Thank you, Chris

Christopher R. Bean, PE
Senior Vice President | Regional Manager
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www.fando.com | [twitter](#) | [facebook](#) | [linkedin](#)

From: WILLIAM KENNEDY [mailto:metl44@comcast.net]
Sent: Wednesday, December 19, 2018 8:49 AM
To: Christopher Bean
Subject: BULK: MET-L MACHINE MADDEN RD
Importance: Low

Good morning Chris,

This is Bill Kennedy, owner of MET-L MACHINE, a CNC Machine shop located at 9 Madden rd in one of the industrial buildings slated to be demolished for exit 4A.

After attending all of the meetings regarding exit 4a, I have yet to be able to find someone who can give me a definite date as to when I will need to vacate this building.

Moving a CNC Machine shop with over 50,000 lbs of equipment is no easy process, neither is finding a suitable place in this area to move it to.

It looks like it's inevitable that it's going to happen so I would prefer to be proactive in finding a new location, as they don't come up that often as being suitable for a CNC machine shop. I would prefer to relocate at my convenience as to keep production losses at a minimum, but how soon am I able to move and still be reimbursed by the state.

Thanks,

Bill Kennedy

MET-L MACHINE

9 Madden Rd Unit 5-6

603-560-2878

1

From: Christopher Bean <CBean@fando.com>
Sent: Wednesday, January 02, 2019 8:47 AM
To: Bill Ashford; Christopher Bean; Joel Detty (jdetty@normandeau.com); Snyder, Kerri; Pesesky, Lawrence; I93-Exit4A-EIS (SM); Lee Carbonneau; Tidd, Leo; Linda Greer; Nicole C. Fox; Paul Konieczka
Subject: FW: letter for the record State land taking 101 Franklin Derry llc, Response from Keith Cota

FYI Chris

From: Cota, Keith [mailto:Keith.Cota@dot.nh.gov]
Sent: Tuesday, January 01, 2019 5:26 PM
To: Steve Trefethen; jamesmorgan@derrynh.org; davecaron@derrynh.org
Cc: Christopher Bean; Butler, John (DOT); LaBonte, Stephen; Johnson, John
Subject: RE: letter for the record State land taking 101 Franklin Derry llc

Steve,

Thanks for the quick response. As to the actual right-of-way process, what is covered, and what is subjected to state and federal taxes, I will have to seek input from our experienced ROW staff. I would suggest we (DOT ROW Relocation staff and myself) meet with you and others as needed, to get an overview of the process and what can be expected.

I would suggest we meet later in January or early February if your schedule allows.

The first decision you will need to make is whether you are looking to maintain ownership of the remnant parcels after the acquisition. I would suspect, the remaining property on Parcel 29 will not likely have any value to you. We would look to acquire this parcel in total fee. For Parcels 62 and 63, it seems you are interested in reducing the size or location of the drainage easement to allow for potential redevelopment of the remaining parcels.

For any parcels that you agree to full acquisition, we could initiate the appraisal process at this time. This will allow for earlier settlements, possibly in late summer or early fall and will also allow us to start relocation benefits to your tenants. For others where we are acquiring partial acquisitions, these lots will be delayed until later in 2020.

Let me know if you would like to set up a meeting to open this discussion. Of course any discussion we have at this item is dependent upon the formal approval for the layout and approval of the environmental document. I am still hopeful this will be occurring in late spring of 2019.

Happy New Years.

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Email: Keith.Cota@dot.nh.gov



From: Steve Trefethen [mailto:steve1955tre@cs.com]
Sent: Tuesday, January 1, 2019 8:23 AM
To: Cota, Keith; jamesmorgan@derrynh.org; davecaron@derrynh.org
Cc: CBean@fando.com; Butler, John (DOT)
Subject: Re: letter for the record State land taking 101 Franklin Derry llc

Thanks Keith for the response. There is not much vacant land in Derry to develop near the exit. Most redevelopment that goes on within a 3 mile radius will require properties to be tore down and rebuilt. That process removes tax roll and puts it back over a long time. Derry's property taxes are already very burdensome to many. Those 9 lots are very important to the Town and myself. I do appreciate your concern and hope you can work with Derry in relocating the water shed, perhaps moving it to the 80 N. High street lot so that Derry can start there redevelopment right away.

Also the many questions and concerns I have as to our income being effected short term and long term wont be resolved with simple appraisals. I understand from my accountant that we will also be subject to a total of 20% or higher state and federal taxes from the taking. I know many of these concerns are not your issues but I prefer to be very proactive instead of reactive. Thanks Again Steve

|jamesmorgan@derrynh.org; davecaron@derrynh.org

Visit our web-site at www.sresre.com for Homes,
 Land, Commercial Properties, Let us sell your Business!
Also ask us about savings on your Electric and Natural Gas bills.

Steve Trefethen Owner / Broker Office 44 West Broadway Derry NH 03038 603 432-5453
Cell 603 512-0772 Fax 603 4329282
 email steve1955tre@cs.com

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-----Original Message-----

From: Cota, Keith <Keith.Cota@dot.nh.gov>

To: Steve Trefethen <steve1955tre@cs.com>; jamesmorgan@derrynh.org <jamesmorgan@derrynh.org>; davecaron@derrynh.org <davecaron@derrynh.org>

Cc: 'Christopher Bean' (CBean@fando.com) <CBean@fando.com>; Butler, John (DOT) <John.Butler@dot.nh.gov>

Sent: Mon, Dec 31, 2018 2:34 pm

Subject: RE: letter for the record State land taking 101 Franklin Derry Ilc

Steve,

I want to acknowledgement the receipt of your email and attachment to be added to the recorded on the Exit 4A project. Your concerns are well articulated and have been entered into the official record.

I can understand the concern for the impacts the project will have on multiple properties located from Madden Road to NH Rte. 28 along Folsom Road. Your assessment is correct that the property acquisitions needed to construct the town initiated project will have a short-term tax impact for the community, but in the long run, it is expected to be enhanced with other development expansion for properties that will benefit from the new access through redevelopment and expanded development along the corridor.

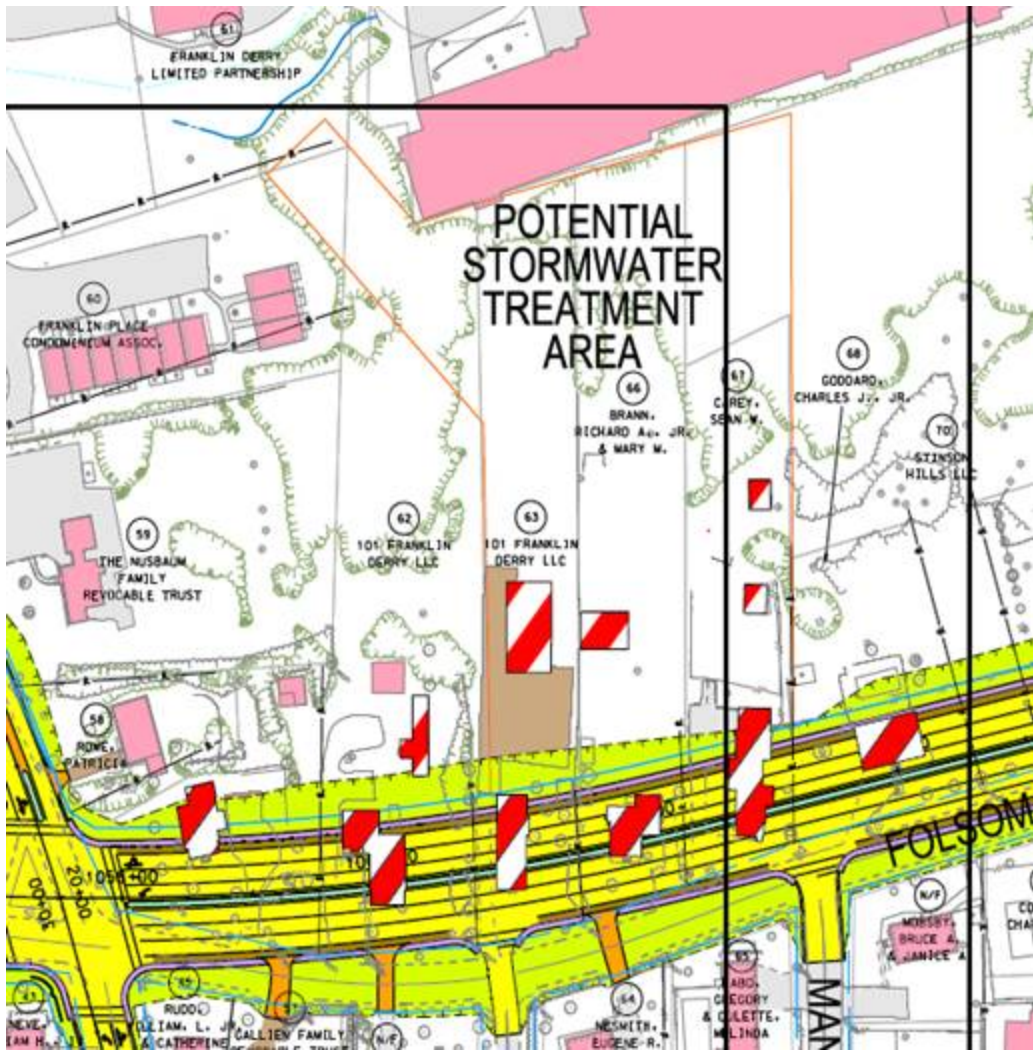
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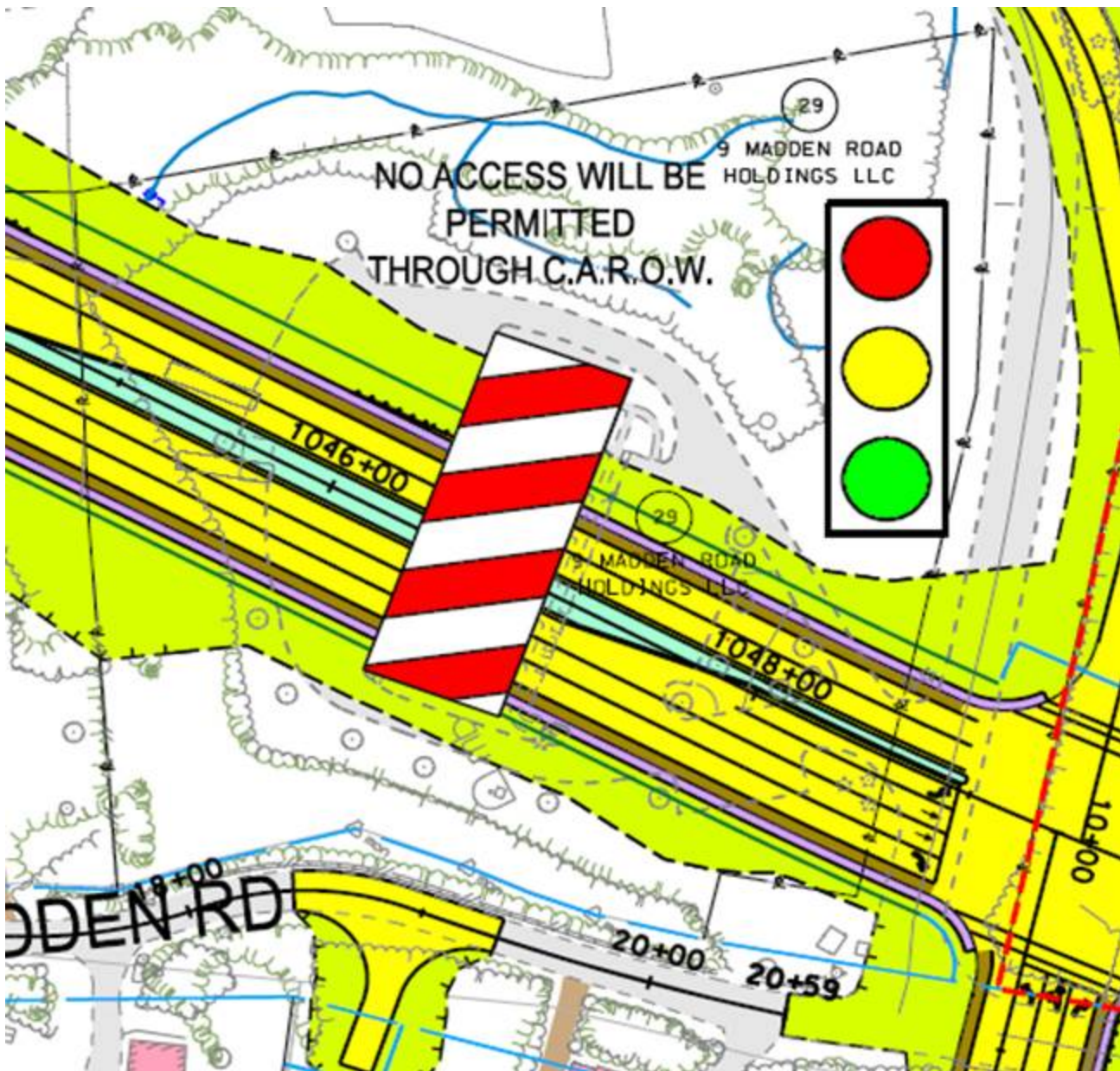
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Should you have any questions, please feel free to contact me.

Keith A. Cota, PE
Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
Room 200
Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov







From: Steve Trefethen [mailto:steve1955tre@cs.com]

Sent: Saturday, December 29, 2018 7:56 AM

To: Cota, Keith; jamesmorgan@derrynh.org; davecaron@derrynh.org; steve1955tre@cs.com

Subject: Fwd: letter for the record State land taking 101 Franklin Derry llc

Hi Keith attached is a letter for the record on my land off exit 4a, Hwy. 93 in Derry NH. I also attached the letter I read and turned in at the December 5th meeting in Derry. I have also included the Derry Town Council Chairman and the Derry Town Manager in this email. I think they should see my concerns, I am sure they have their concerns. I would assume they are required by the same rules the property owners were advised as to the last day to get on the record being January 4th, 2019 Thanks Steve owner / manager 101 Franklin Derry llc.

Steve Trefethen Owner / Broker Summerview RE, Office 44 West Broadway Derry NH 03038 603
432-5453 Cell 603 512-0772 Fax 603 4329282
email steve1955tre@cs.com

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**Keith Cota, P.E.
New Hampshire DOT
John O. Morton Building
P.O. Box 483
Hazen Drive
Concord, NH 03302-0483
Phone: (603) 271-1615
keith.cota@dot.nh.gov**

My name is Steve Trefethen owner and manager of 101 Franklin Derry llc. I am adding other concerns to the record of my letter I handed in at the December 5th meeting (see attached) in the Town of Derry. First let me start by saying it is understandable that property is needed to accommodate the 4a exit off Hwy. 93 in NH.. We know Londonderry and Woodmont acres will benefit greatly from such an exit. My real estate office and business at 44 W. Broadway in Derry NH. will be negatively affected by the drastic reduction in traffic on Broadway. My most profitable income properties, businesses, income, buildings and land located at 101 Franklin Street, 2-4 Folsom Street, 2.5 Folsom Street, and 6 Folsom Street will be devastated from the Eminent Domain.

2

The property at 9 Madden Road & 80 N. High will in itself take over 2 million in assessment dollars from the Derry tax rolls leaving nothing left to develop right off the exit. Those property will need to act as a filtered drainage area buffer from highway salt that has effected the water body their in the past. The property at American Excavating will be reduced leaving the real development starting at Franklin Street. The lots on the south side of N. High Street, Franklin Street, and Folsom Road are small residential homes that will see no tax or redevelopment benefits for Derry. There are 9 lots on the north side of Franklin Street, and Folsom Road that are left for re-development that will see no tax or redevelopment benefits for Derry for many years.

3

At the December 5th meeting a new map showed a water shed area place right in the middle of the deepest lots threatening to destroy the rest of economic development in Derry. The State now intents to take 5 million dollars in assessed land values off Derry's tax roll and destroy Derry's economic development off the exit. Derry is contributing 5 million dollars like Londonderry and will receive nothing other than more traffic being added into what looks like a residential area. The traffic will be removed from the downtown negatively affecting my business and the others on Broadway. Derry will receive less taxes for many years to come, raising my other property taxes in Derry.

4

Derry and the taxpayers deserve more planning on the remaining land that could benefit the Town and house the 25 business that will also leave Derry, The Town needs the deepest lots to be developed in conjunction with the building of the exit. The other smaller lots on Folsom Road must be accompanied by a larger development that the deeper lots can provide. There is only 9 lots along that road zoned for business. We need all the lots on that side of Folsom Road to be developed. I think to offer an appraised value for our land, property, income that is existing into the unforeseeable future is literally highway robbery. I think asking the Town and Derry's taxpayers to loose millions

5

of dollars in tax base for the 3-4 years until the highway is completed, then another 2 – 3 years for a buildings to be built, impacts all of us in Derry.

Its time for the State to step up to the plate and do the right thing. Design the water shed on Folsom Road so it has little to no effect on our property and opportunity to build. Start or create an assistance fund for the income that is lost due to vacancy's that will occur on property's whose history shows always full. To better plan for the housing and tenants that will be unable to replace the housing they have now. Reimburse the owners which I am one for lost future income, and improvements to the buildings and raw land that was done in the past. Those improvements may not add appraised value to the real estate other than to make them more desirable for the use they were purchased for and now to be lost Eminent Domain. Its time for the State to work with our Town officials and advise them of an exact full pitcher of what is being taken and what will be left to develop. The state wants the Town and property owners to respond by Jan. 5, 2019 on the record, yet we are told the final approved map wont be available until the end of 2019. That in itself would make the process unlawful. The state needs to have the final map available first.

6

I also believe the State should level the playing field with Londonderry and help with the missing tax base due to the loss of valuable property's being taken off the tax base. Derry and Londonderry put up equal amounts funding, 5 million dollars each. Londonderry will loose almost no tax base we will loose millions of dollars in tax base for many years. If Derry looses taxes I am negatively effected, if W. Broadway looses traffic I am negatively effected, If I loose my income properties I am negatively effected for many years to come. To loose both retail business while loosing my rental income and increasing my property taxes is a mix that can be devastating.

Based on the states land taking and the new proposed water shed area I have accompanied this letter with a map. It shows in orange the land being rendered as un-developable. Two areas outlined in red may need to be considered for water runoff if needed to some what minimize the loss to myself, the other owners and the Town of Derry. I would recommend that the state seek the towns advice and recommendations. Also another map and elevation from a building I sold in Hudson NH this year shows at minimum that I could build a 10,000+ ft. building in the back part of my remaining lot if the water shed was reconsidered. By acquiring one abutting lot I could possibly build 30,000 ft. of space housing the 25 businesses that Derry will loose.

7

More planning is needed. Derry allows mixed use and in my case General Commercial with housing at my lots, buildings, businesses and developable land are worth far more than an appraised value as a single use with an existing building that is much smaller than what could be done. There are to many issues to just take the wait and see approach. I want this letter to be part of the record and I am asking for an early meeting person to person for the many questions I have. I may also be able to help the state understand more why the points in this letter are so important to the Town of Derry and my family business. Please email or call me to confirm receipt of this letter and to set up a meeting at your earliest convenience.

8

Thank You Steve Trefethen
Owner Summerview RE
Owner / Manager 101 Franklin Derry llc
44 W. Broadway Derry, NH 03038
cell 603 512-0772

A handwritten signature in blue ink, followed by the date "12/28/18" written in blue ink.

DOE 5TH MEETING
2020 + DILLON INTO RECA

My name is Steve Trefethen owner and manager of the company (101 Franklin Derry llc.) That company owns multiple buildings, homes, and businesses on 2.6+ acres at Franklin Street & Folsom Road, being proposed as a land taking for the exit 4a on highway 93. The property contains 3 large and deep lots, 3 apartments, 2 houses (4 & 2 bedroom houses), a full size Mobile Home, 2 commercial units. The 2 commercial units includes a construction company, car lot and repair garage. All the buildings and homes have had many upgrades, including newer roofs, newer appliances, and improved lots. The property would produced residual income into the unforeseeable future. The commercial units are at a very high approved use unavailable at most other properties. There is an additional 1.7 acres of land there, zoned General Commercial not needed for the Exit 4a. that only requires a simple Planning Board approval.

For the record I was originally not for the exit and spoke out vocally against it. Once our Town Council voted for it, I supported the Town Council decision with a cautious voice as to cost over runs for the Town of Derry. The state will be taking over 3 million dollars of assessed valued properties off there Derry tax rolls. The State needs to work with all the land owners only take what they really need for the exit. Much of the unneeded property needs to remain with the land owners. The State needs to assist the owners with curb cuts as needed, and speed up the process with the land owners to allow those owners to start building on the remaining land. The replacement of those buildings, the businesses in Derry along with a replaced tax roll is nonnegotiable.

My questions are as follows:

1 Does the state intend to take only the property needed for the highway or does the state intend to take our very deep lots where 75% is not needed for the highway. It seems under 498A:1 2 Property can be taken if the "real property is to be put to public use, as defined in RSA 498-A:2, VII." Under VII. "Public use" In The Supreme Court decision of Kelo v. City of New London

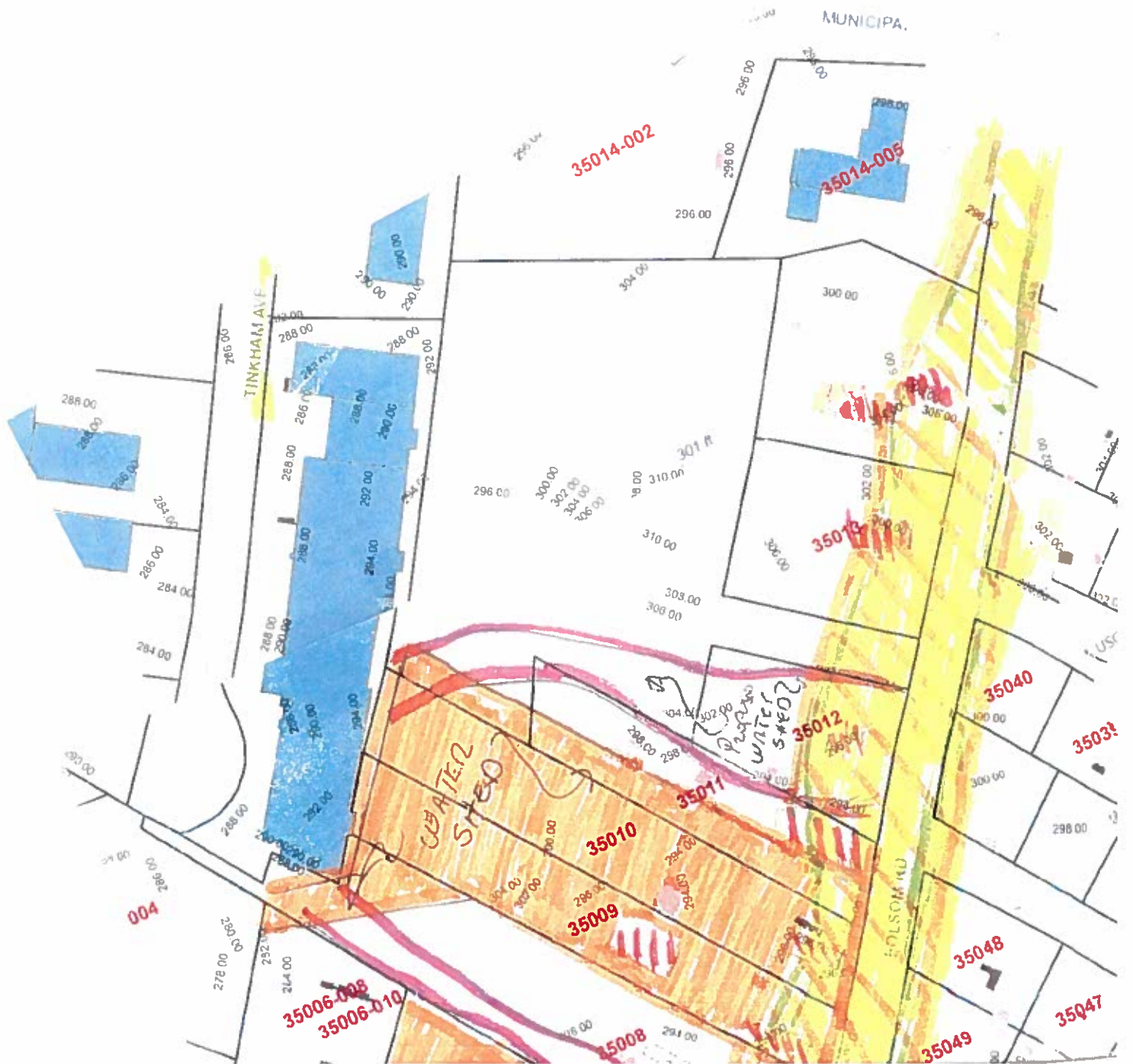
The **necessity doctrine** requires that a condemnor justify that the proposed taking is reasonably necessary for the stated purpose. Also under Kelo our state Supreme Court has ruled from a previous case that: "When examining the language of a statute, we ascribe the plain and ordinary meaning to the words used." Trefethen v. Town of Derry, 164 N.H. 754, 755 (2013) (citation omitted). Simply put has the State already decided to take anything that is a owners lot no matter the size and necessary needed to perform the ultimate goal here and build Exit 4a, on Hwy 93.

1. How will the state appraise the property where the uses are many along with the residual income that should be realized for the many decades to come? How will the additional land not needed by the state on our property be effected and treated that includes a proposed use allowed by zoning for a 12000 ft building or a redesign of up to a 30,000 sq ft building?
2. How will the state compensate for our residual lost income and steady income in the event that we have early move outs after our tenants have realized the taking is now a reality?
3. What will the state do in the event that there is no rental housing for the tenants who need to rent a 4 bedroom that allows dogs and animals with 3 – 4 children? What will the state do about the tenants who can not just move to other business property that would require a site plan and zoning approval that will cost many thousands of dollars and sometimes takes over a year for approvals? What will the State do for the tenants who need housing parking for several cars and large out buildings to accommodate their needs. What will the State do for those small businesses who need to be very close or live in Derry to support their business, employees and family. What will the state do for the Town of Derry to keep those 25 to 30 businesses & revenue in the Town of Derry?
4. Will the State hold private meeting with the owners effected by the takings, or will the State file with the BTLA and notify the owners to start a costly process for both the owners and the State.
5. Finally what does the state have in the coffers to purchase property for exit 4a. In one hand out we have 12 residents, 5 business units, and 25 businesses, 41m needed for construction, 850k for moving transition lines, a budget of 56.6million. My question here is what does the state have in the coffers to purchase land and buildings for the taking of our properties.
6. I have many other concerns and issues of compensation and the legality of such a taking that may be based on simple appraised values that need to be discussed and agreed on. I remain confident that an agreement can be made and look forward to negotiating with the State in good faith.



INSET A
EXIT 4A CONNECTOR BETWEEN NORTH HIGH STREET
AND RANKIN STREET INTERSECTIONS
JULY 24, 2018

35006-003
35006-001
35007
R.S.



MUNICIPA.

35014-002

35014-008

TINKHAM AVE

HOLSON RD

WATER SHED

PUPA WATER SHED

004

35006-008
35006-010

35010

35009

35011

36012

35040

35031

35048

35049

35Q47

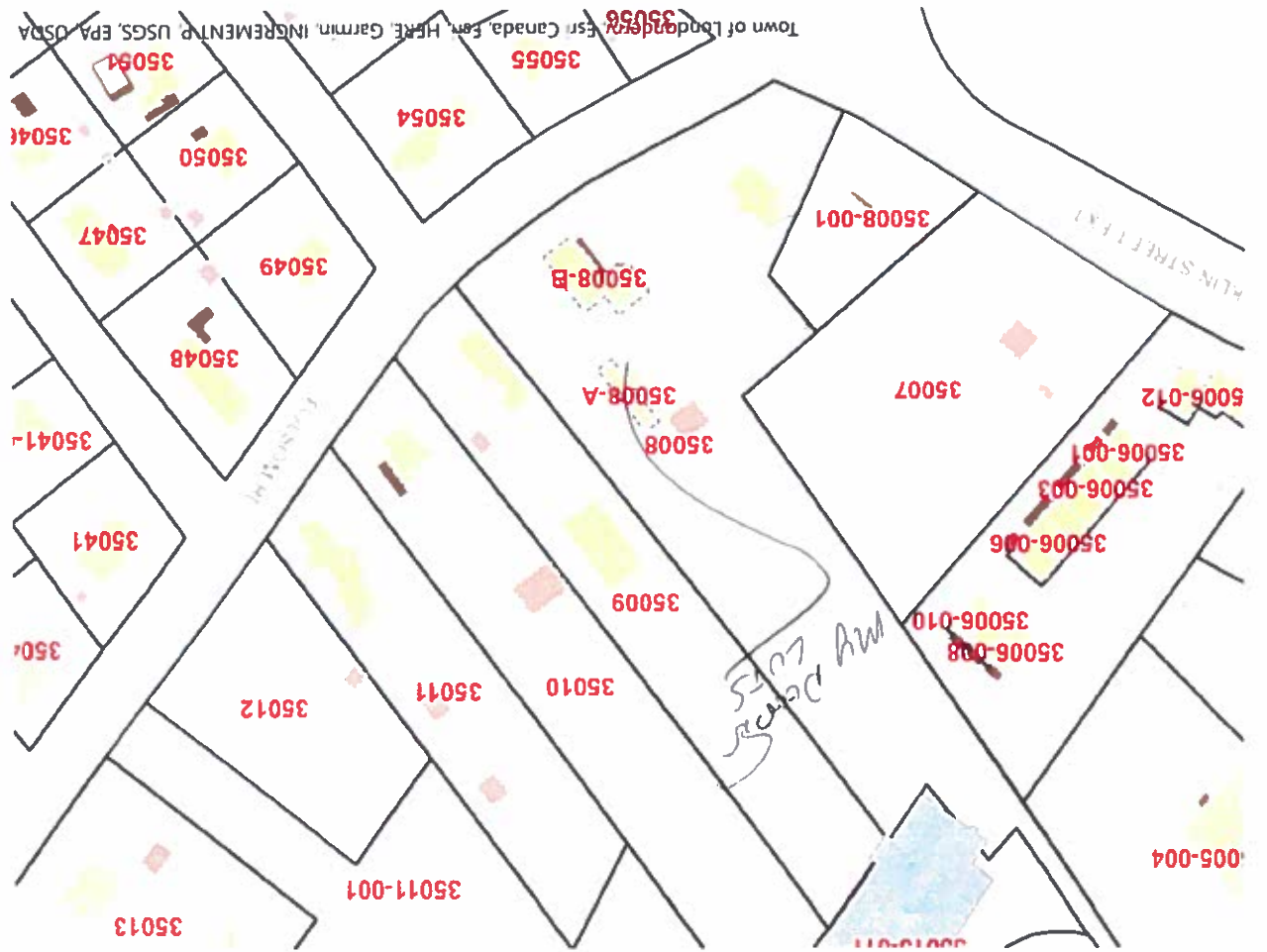
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Town of Derry



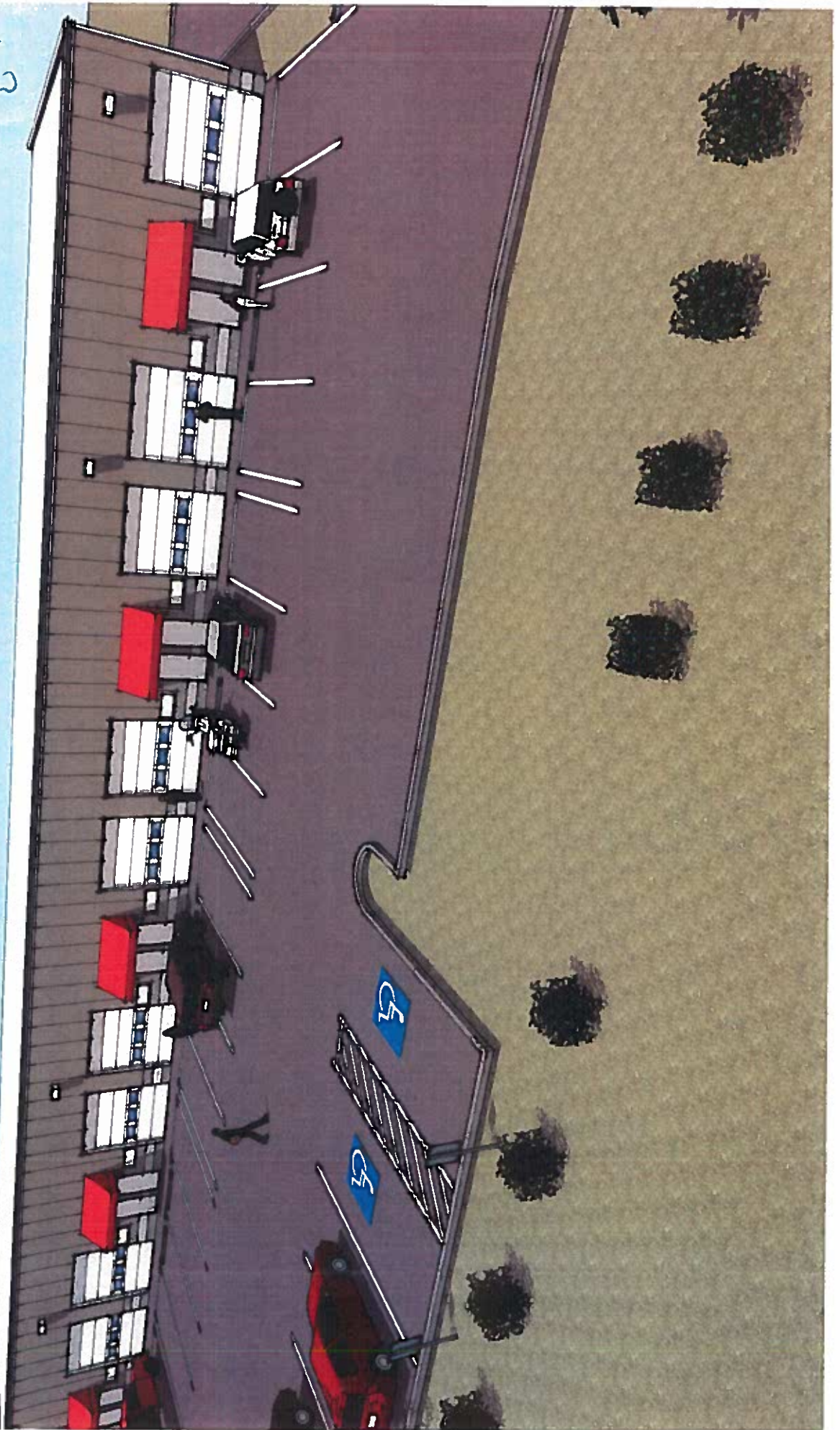
11/19/2018 10:53:15 AM
 Building Features <all other values>
 Deck Building Out Building
 Misc Multi Parcels

1.2.257
 0 0.02 0.04 0.08 mi
 0 0.03 0.07 0.13 km
 Town of Derry, Esri, Canada, Esri, HERE, Garmin
 INCORPORATED, USGS, EPA, USDA
 Town of Derry, New Hampshire



Town of London, Esri Canada, Esri, Garmin, INCREMENT P, USGS, EPA, USDA

Wrote notes
I sold in
Hudson
2018
1.2 mil



From: Steve Trefethen <steve1955tre@cs.com>
Sent: Wednesday, January 02, 2019 12:48 PM
To: Keith.Cota@dot.nh.gov; jamesmorgan@derrynh.org; davecaron@derrynh.org
Cc: Christopher Bean; John.Butler@dot.nh.gov; Stephen.LaBonte@dot.nh.gov; John.Johnson@dot.nh.gov
Subject: Re: letter for the record State land taking 101 Franklin Derry llc

Hi Keith I would like to meet with you and your staff and maybe a Representative from the Town of Derry if you have no issue with that. I would like to take a look at the 3 parcels I have, recognizing that one will have very little land left. I would like to also look at discussing additional taken property that abuts my property. I think early planning is wise here. Ultimately if we need to plan a project with the remaining land from the deeper lots that could support a larger project. As a developer and commercial realtor minimizing the water shed, housing the businesses and developing a tax base is what we need to do here.

I will be in Town February and could meet any time with a few days notice. Once again thanks for the quick response

Visit our web-site at www.sresre.com for Homes,
Land, Commercial Properties, Let us sell your Business!

Also ask us about savings on your Electric and Natural Gas bills.

Steve Trefethen Owner / Broker Office 44 West Broadway Derry NH 03038 603 432-5453
Cell 603 512-0772 Fax 603 4329282
email steve1955tre@cs.com

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From: Cota, Keith <Keith.Cota@dot.nh.gov>
To: Steve Trefethen <steve1955tre@cs.com>; jamesmorgan@derrynh.org <jamesmorgan@derrynh.org>; davecaron@derrynh.org <davecaron@derrynh.org>
Cc: CBean@fando.com <CBean@fando.com>; Butler, John (DOT) <John.Butler@dot.nh.gov>; LaBonte, Stephen <Stephen.LaBonte@dot.nh.gov>; Johnson, John <John.Johnson@dot.nh.gov>
Sent: Tue, Jan 1, 2019 5:25 pm
Subject: RE: letter for the record State land taking 101 Franklin Derry llc

Steve,

Thanks for the quick response. As to the actual right-of-way process, what is covered, and what is subjected to state and federal taxes, I will have to seek input from our experienced ROW staff. I would suggest we (DOT ROW Relocation staff and myself) meet with you and others as needed, to get an overview of the process and what can be expected.

I would suggest we meet later in January or early February if your schedule allows.

The first decision you will need to make is whether you are looking to maintain ownership of the remnant parcels after the acquisition. I would suspect, the remaining property on Parcel 29 will not likely have any value to you. We would look to acquire this parcel in total fee. For Parcels 62 and 63, it seems you are interested in reducing the size or location of the drainage easement to allow for potential redevelopment of the remaining parcels.

For any parcels that you agree to full acquisition, we could initiate the appraisal process at this time. This will allow for earlier settlements, possibly in late summer or early fall and will also allow us to start relocation benefits to your tenants. For others where we are acquiring partial acquisitions, these lots will be delayed until later in 2020.

Let me know if you would like to set up a meeting to open this discussion. Of course any discussion we have at this item is dependent upon the formal approval for the layout and approval of the environmental document. I am still hopeful this will be occurring in late spring of 2019.

Happy New Years.

Keith A. Cota, PE
Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
Room 200
Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov



From: Steve Trefethen [mailto:steve1955tre@cs.com]
Sent: Tuesday, January 1, 2019 8:23 AM
To: Cota, Keith; jamesmorgan@derrynh.org; davecaron@derrynh.org
Cc: CBean@fando.com; Butler, John (DOT)
Subject: Re: letter for the record State land taking 101 Franklin Derry llc

Thanks Keith for the response. There is not much vacant land in Derry to develop near the exit. Most redevelopment that goes on within a 3 mile radius will require properties to be tore down and rebuilt. That process removes tax roll and puts it back over a long time. Derry's property taxes are already very burdensome to many. Those 9 lots

are very important to the Town and myself. I do appreciate your concern and hope you can work with Derry in relocating the water shed, perhaps moving it to the 80 N. High street lot so that Derry can start there redevelopment right away.

Also the many questions and concerns I have as to our income being effected short term and long term wont be resolved with simple appraisals. I understand from my accountant that we will also be subject to a total of 20% or higher state and federal taxes from the taking. I know many of these concerns are not your issues but I prefer to be very proactive instead of reactive. Thanks Again Steve

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Cc: 'Christopher Bean' (CBean@fando.com) <CBean@fando.com>; Butler, John (DOT) <John.Butler@dot.nh.gov>

Sent: Mon, Dec 31, 2018 2:34 pm

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Should you have any questions, please feel free to contact me.

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Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
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Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov





From: Steve Trefethen [mailto:steve1955tre@cs.com]

Sent: Saturday, December 29, 2018 7:56 AM

To: Cota, Keith; jamesmorgan@derrynh.org; davecaron@derrynh.org; steve1955tre@cs.com

Subject: Fwd: letter for the record State land taking 101 Franklin Derry llc

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Steve Trefethen Owner / Broker Summerview RE, Office 44 West Broadway Derry NH 03038 603
432-5453 Cell 603 512-0772 Fax 603 4329282
email steve1955tre@cs.com

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From: Cota, Keith <Keith.Cota@dot.nh.gov>
Sent: Friday, December 14, 2018 2:09 PM
To: Maria Andrade
Cc: Christopher Bean; Butler, John (DOT)
Subject: RE:Derry-Londonderry 13065 - I-93 Exit 4A

Maria,

Sorry I was not able to catch up with you to talk about the project and its potential impacts to your property located at the corner of Franklin Street and Exeter Street. I did leave a message on our answering service. In addition, I have copied an excerpt from our Public Hearing plan showing your property below.

You will see from the colors (yellow are travelways, brown are shoulders, light green are slopes/yards and orange are driveway matches) below, we are trying to minimize the impacts into your property at 89 Franklin Street with the installation of a short retaining wall. We will need to rebuild a portion of your current driveway along Franklin Street as shown in orange. Your driveway access off Exeter Street will not be impacted.

You can access the project maps and draft environmental document through our project website at: www.i93ext4a.com. For quick reference, go to the Documents in the header. It is a quick access to the information that was presented at the Public Hearing.

Traffic along Folsom Road is expected to increase significantly with the new interchange. Based upon Projected 2040 design year traffic volumes (average daily traffic), we expect to see Folsom Road traffic to increase from no-build of 13,800 vehicles/day to 38,900 vehicles per day. In order to ensure safe access at Folsom Road's intersection Franklin Street, we are proposing to install new traffic signals with the widened roadway.

I hope this helps to answer some of your questions. Please feel free to call me if you have need more assistances.

Keith A. Cota, PE
Chief Project Manager
Bureau of Highway Design
7 Hazen Drive, PO Box 483
Room 200
Concord, NH 03302-0483
TEL (603) 271-1615
FAX (603) 271-7025
Email: Keith.Cota@dot.nh.gov

MANOR
RT. INC.

47
BROOKVIEW
MANOR
COURT. INC.

IEW
R
INC.

24+00

48
ANDRADE,
PEDRO M.
& MARIA L.

EXET

50
ARCHAMBAULT,
TODD J.
& ALICE L.

From: Maria Andrade [mailto:mpandrade1987@gmail.com]
Sent: Wednesday, December 12, 2018 1:29 PM
To: Cota, Keith
Subject: I-93 Exit 4A

Hi,

I live on 89 Franklin St, Derry and missed the meeting on 12/4/2018, I was on vacation. I would like to know the details of how much of my property I am losing over this project and the traffic that this will cause.

1

Maria Andrade
603-275-2480

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Private Organizations and Individuals Responses

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Private Organizations and Individuals

Comment

Number	Name
P1	Ray Breslin
P2	Lisete Costa
P3	Fireye Inc. (John Devine)
P4	Trinity Assembly of God (Rev. J. Stephen Earle)
P5	John Madden
P6	Emily Sanromà
P7	Ellie Sarcione
P8	Michael Speltz
P9	Rochelle R. Brown
P10	Richard Christian
P11	Philip and Cheryl Fogg
P12	Brendena M. Fleming
P13	Brian M. Judge
P14	Ari B. Pollack
P15	Beaver Lake Improvement Association (Steven R. Anthony)
P16	Ray Breslin
P17	G. Thomas Cardon
P18	Brian G. Germain, Esq.; on behalf of Mr. and Mrs. Messina, Royal T. Carwash
P19	Conservation Law Foundation (CLF)
P20	William G. Kent Jr.
P21	Karl Kuceris
P22	Chris McCarthy
P23	Steve Trefethen, 101 Franklin Derry llc.
P24	Brendena Torelli-Fleming
P25	Frantz G. Cantave
P26	Steve Vadney
P27	Steve Trefethen, 101 Franklin Derry llc.
P28	Tom Cardon
P29	Chris Nickerson
P30	Mark Connors
P31	Ashley Haseltine, Greater Derry Londonderry Chamber of Commerce
P32	Larry Rider
P33	Ron Randall
P34	Ray Breslin
P35	John Madden
P36	Daniel Jackson
P37	Alice Archambault
P38	John DeGroot, Jake's Autobody
P39	Steve and Shannon Vadney (via Kevin Hatch, Cornerstone Survey Associates Inc.)
P40	Tom Mitchell
P41	Bill Kennedy, MET-L MACHINE
P42	Steve Trefethen, 101 Franklin Derry llc
P43	Steve Trefethen, 101 Franklin Derry llc
P44	Maria Andrade

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P1**Response to Comments Made by
Ray Breslin
Londonderry, NH
Packet delivered December 13, 2018**

1. Your support for the consideration of Alternative B, located more northerly along the power transmission corridor, as the preferred alternative is noted. However, as discussed in FEIS Section 3.7, Alternative B would result in a larger impact to natural resources (including more than double the direct impacts to wetlands), as well as cost significantly more for project construction when compared to Alternative A. Alternative B would also require greater residential displacements (19) compared to Alternative A (14).

P2**Response to Comments Made by
Lisete Costa, Parcel 14
Londonderry, NH
Letter received December 18, 2018**

1. The NHDOT will proceed and prioritize acquisition of Parcel 14. The NHDOT will purchase the entire property as soon as possible within the requests for early acquisitions.
2. Your hardship with the ongoing construction activities along I-93 is noted.
3. Your frustrations with the timeline of the acquisition are noted.

P3**Response to Comments Made by
Fireye Inc. (John Devine), Parcel 88
Derry, NH
Letter received December 12, 2018**

1. The section of Tsienneto Road in front of the Fireye property will be widened toward the building by approximately 8 to 18 feet. Due to anticipated traffic demand and the proximity of the Pinkerton St and NH 28/Folsom Road intersections, the number of travel lanes will vary between five and seven. The roadway widening toward the Fireye parcel was minimized as much as possible and was balanced with the widening toward the Hoodcroft Condominiums on the other side of Tsienneto Road. The current plans have widening toward the Hoodcroft Condominiums property that require a retaining wall and changing the layouts of the parking lots and drive aisles. The stated safety concern related to the potential for errant vehicles to strike the Fireye building is acknowledged. It is true that the proposed edge of pavement will be closer to the building; however, the widened section of Tsienneto Road in this area is dedicated to a right turn lane at low speed operation, and any errant vehicles are likely related to left turns from Pinkerton Street. The proposed design includes a traffic signal at the Pinkerton Street intersection, which should reduce the number of crashes and potential for errant vehicles to strike the building.
2. It is correct that there will be a raised median on Tsienneto Road the full length of the Fireye frontage. The proposed median width will be narrowed to four feet, to minimize the encroachment on adjacent properties. The raised median will end approximately 500 feet from the end of the Fireye parking lot and the median will continue as a two-way left turn lane. Due to

safety concerns, no median break for the Fireye driveways is currently proposed given the close proximity of the driveways to the intersection with Pinkerton Street.

3. It is recognized that the current truck operation for this site will be affected by the improvements and will require adjusted route changes to accommodate access with the intersection and roadway modifications. Large trucks needing to access the loading dock would be able to approach the property via the new Exit 4A and Folsom Road, then turn left onto NH 28 and use one of the two driveways to turn right into the property. The NHDOT and Town of Derry will meet with Fireye property owners to review the truck operations and consider reasonable driveway access modifications to address the egress and access for the site.
4. According to the DOT Noise Policy and FHWA Regulations, this facility is considered an Activity Category F land use¹, which does not have a Noise Abatement Criteria noise level. As such no further impacts or abatement impact or abatement analysis is warranted. The predicted noise increase relative to existing conditions for receptors in the vicinity of Fireye is approximately 2 dBA, which would be considered a barely perceptible change. A summary of the noise impact and abatement analyses are provided in Section 4.5 of the FEIS and technical information is included in Appendix E.
5. Your concern for the potential increase in automobile traffic, resulting in degradation to air quality of the office area of Fireye Inc. is acknowledged. Section 4.4.3 of the FEIS includes a discussion of the emissions associated with an increase in vehicular traffic for the Build Alternatives and No Build Alternative. The impact methodology to assess existing air quality and a comparison of ambient pollutant concentrations to applicable air quality standards shows that the project area is in attainment for all the criteria pollutants under National Ambient Air Quality Standards (NAAQS) and New Hampshire state standards. The air quality analysis results show predicted maximum carbon monoxide (CO) concentrations would be well under the 1-hour and 8-hour NAAQS at the worst-case intersections. This means that CO impacts at other intersections in the study area with lower volumes and/or less congestion would similarly not have adverse impacts on CO concentrations under Alternative A or any of the other Build Alternatives.

As discussed in FEIS Section 4.4.3, qualitative analyses for mobile source air toxics (MSAT) were conducted for the Build Alternatives based on vehicle miles traveled (VMT). While MSAT analysis results indicate no appreciable difference in overall emissions among the various Build Alternative, MSAT levels could increase in a few localized areas where VMT increases. However, the analysis concludes that future MSAT levels for the area will be significantly lower than current levels as a result of EPA's vehicle and fuel regulations.

6. Your concerns of impacts to your business from the construction activities have been noted. Construction activities within the study area would result in short-term impacts, including increased noise, temporary reduction in air quality, traffic delays/increases, and visual impacts. However, these short-term impacts would be mitigated and would stop after the completion of the project. The FEIS outlines mitigation measures in Section 6.2.

¹ Category F land uses include agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.

7. Your concerns with the proposed plan's impact on Fireye have been noted. Existing traffic performance of the project study area was evaluated and included in the FEIS Section 4.2 Traffic and Transportation. Generally, the results of traffic analysis showed that the I-93 interchange facilities operate at Level of Service (LOS) D or better in 2015 during the AM and PM peak periods. The impact calculation of the purpose and need for the Build Alternatives is summarized in Table 3.7-1 of the FEIS, which compares changes in traffic through downtown Derry (NH 102) to the 2040 No Build Conditions: NH 102 East of Griffin Street.

P4

**Response to Comments Made by
Trinity Assembly of God, Parcels 104 and 161
Rev. J. Stephen Earle
Derry, NH
Letter received December 20, 2018**

1. The concerns of the Trinity Assembly of God for the proposed stormwater treatment area are acknowledged. The EPA requires stormwater treatment for municipal separate storm sewer systems (MS4), and these stormwater treatment requirements for the impervious area from the roadway necessitate a large area for treatment. Due to the heavily developed nature of the area and the topography of the land, there are a limited number of areas where stormwater treatment is possible. During final design of the project, the stormwater treatment areas will be further refined in an attempt to reduce the impacted areas, while maintaining required treatment levels.

The concerns of the property owner relative to Parcel 161 are noted. It is understood that the congregation uses the property for youth activities and special events, which includes camping functions. The Trinity Assembly of God will be consulted during final design to ensure that access will be maintained to this lot. Due to the limited frontage of Parcel 161 along Tsienneto Road, the boundaries of the prime wetlands, and the installation of a bridge to replace the two existing culverts for Tributary E, there will be a need to bend the guardrail from the end of the bridge into the parcel. This will require the acquisition of a guardrail easement for the town of Derry.

P5

**Response to Comments Made by
John Madden, Parcel 57-1
Derry, NH
Letter dated December 6, 2018**

1. Impacts to this property are limited to minor slope easements. The property owner will be contacted during final design to discuss the anticipated impacts in detail. The property owner will need to communicate with the renters. The property owner or the renters can contact the project manager at any time for project schedule updates.
2. The commenters stated concern regarding the safety of backing into traffic on Folsom Road is understood. Traffic will increase significantly on Folsom Road following the completion of the project. A turnaround area along the driveway could be provided. This request will be discussed during the Right of Way negotiation process. Due to the high level of traffic anticipated on Folsom Road, a raised median has been provided to prevent unsafe turning maneuvers and to

keep traffic flowing. Vehicles will be able to make U-turns at the traffic signals at Franklin Street and NH 28. From this property, vehicles can turn right onto Concord Avenue to access Franklin Street via Exeter Street.

3. The concern with potential impacts to property values is noted and the commenter will be consulted in accordance with NHDOT's right-of-way process. Property values are a function of many different variables, including "nearby land uses, community services such as sewer and water, land use controls, topography, natural amenities, regional growth or decline, prevailing mortgage interest rates, availability of capital funds, and supply and demand in the local real estate market."² Potential loss in property value due to noise can be offset by increases in value due to improved transportation access. As a result, for purposes of the EIS, it is not possible to isolate the potential effect of the project on the value of individual properties given the complex interaction of multiple transportation and non-transportation related factors.

P6

**Response to Comments Made by
Emily Sanromà, Parcel 138**

Derry, NH

Email received December 13, 2018³

1. The improvements for Tsienneto Road will not require the acquisition of your home. In addition, the widening for the town road can be accomplished within the existing town right-of-way resulting in no property acquisitions or easements on your property.

P7

**Response to Comments Made by
Ellie Sarcione**

Derry, NH

Letter received December 10, 2018

1. The commenters concerns for safety are noted; however, the location of the property is approximately one half mile beyond the limits of the project. NHDOT has reviewed this area in the past and determined that the existing warning signage is appropriate. It appears that sight distance from the driveway could be improved by the property owner by removing vegetation on the property.

² http://www.dot.ca.gov/ser/vol4/downloads/chap_appdx/AppendixD_PropertyValues_21102011.pdf

³ Comment letter to U.S. Army Corps of Engineers regarding public notice on the Section 404 permit application. The responses in this section are the responses of the NHDOT, FHWA, and Towns of Derry and Londonderry prepared for NEPA purposes and are not responses by USACE. These responses are provided because of the comments' subject matter relevance to the EIS content and technical analyses (e.g. purpose and need, alternatives, environmental impacts and mitigation).

P8
Response to Comments Made by
Michael Speltz
Londonderry, NH
Letter received December 10, 2018

1. The referenced federal regulations and guidance regarding mitigating vernal pool impacts, including the option to provide mitigation through preservation of vernal pools and their buffers, were considered in the development of mitigation for impacts to these resources. Mitigation in the form of an in-lieu fee to the NHDES Aquatic Resource Mitigation (ARM) fund has been proposed and is discussed in FEIS Section 4.12.3. This in-lieu fee was determined based on the 2016 US Army Corps of Engineers New England District Compensatory Mitigation Guidelines including Appendix G - Vernal Pool Module. It is acknowledged that vernal pools are present on either side of the connector road. These are described in the FEIS and its attachments (specifically Section 4.12 and Appendix H). The suggestion for a preservation parcel is noted; however, the area on either side of the connector road is proposed for development by others as Woodmont Commons East. The proposed development would conflict with vernal pool preservation as a mitigation option in that location.
2. The suggestion that a preservation parcel can also mitigate other wetland impacts and provide visual buffers is noted. Several potential land preservation options were evaluated for natural resource mitigation over the years. Currently, an in-lieu-fee payment to the Aquatic Resource Mitigation Fund has been proposed and state and federal resource agencies have agreed to this approach. The agencies have also agreed that they will consider a land preservation option on a parcel located adjacent to Ballard State Forest in Derry, an option supported by the Derry Conservation Commission, and investigation of appropriate culvert replacements in conjunction with the NHDES Stream Passage Improvement Program (SPIP) (see Section 4.12. of the FEIS).
3. The mitigation suggestions are noted. Coordination with federal and state regulatory agencies was undertaken, to consider various mitigation options and agree upon an approach. As noted in comment responses 1 and 2, the proposed development of Woodmont Commons East would conflict with vernal pool preservation as a mitigation option in the location you suggest. However, in coordination with the resource agencies, the potential for the preservation of a Derry parcel adjacent to the Ballard State Forest and the evaluation of culvert replacements through NHDES' SPIP is ongoing, as such, the current mitigation plan may be modified.
4. Regarding the assumptions made for the Woodmont Commons East footprints, the Project team developed assumptions associated with minimum and maximum footprints for each reasonably foreseeable future development. The maximum footprint is based on the PUD Master Plan. The minimum footprint, to which the comment refers, is based on the allowable limits for building height as outlined in the zoning regulations. If the development footprint were based on two-story buildings rather than four-story buildings, it would be contained within the minimum and maximum footprints considered in the impact analysis.

P9**Response to Comments Made by
Rochelle R. Brown, Parcel 16
Londonderry, NH
Letter received December 27, 2018**

1. The NHDOT will proceed and prioritize acquisition of Parcel 16. The NHDOT will purchase the entire property as soon as possible within the requests for early acquisitions.

P10**Response to Comments Made by
Richard Christian
Derry, NH
Letter received December 26, 2018**

1. Your concerns with Project impacts to the Beaver Lake watershed are noted. The areas of the Project located within the Beaver Lake watershed will primarily be areas of redevelopment of existing roadway, rather than construction of new roadway or adding travel lanes, and therefore will add minimal new impervious roadway surface within the Beaver Lake watershed. In addition, the Project will utilize stormwater Best Management Practices (BMPs) which are structural and non-structural stormwater practices designed to reduce or remove pollutants in stormwater and reduce peak stormwater flows. These practices will provide better stormwater treatment than is currently occurring in the Project area within the Beaver Lake watershed. Water resources are discussed in Section 4.11 of the FEIS.

P11**Response to Comments Made by
Philip and Cheryl Fogg
Derry, NH
Letter received December 26, 2018**

1. Your concerns with Project impacts to the Beaver Lake watershed are noted. The areas of the Project located within the Beaver Lake watershed will primarily be areas of redevelopment of existing roadway, rather than construction of new roadway or adding travel lanes, and therefore will add minimal new impervious roadway surface within the Beaver Lake watershed. In addition, the Project will utilize stormwater Best Management Practices (BMPs) which are structural and non-structural stormwater practices designed to reduce or remove pollutants in stormwater and reduce peak stormwater flows. These practices will provide better stormwater treatment than is currently occurring in the Project area within the Beaver Lake watershed. Water resources are discussed in Section 4.11 of the FEIS.
2. Your concern with the increase in traffic on local roads in the vicinity of Beaver Lake is noted. East Derry and other towns to the east like Sandown and Hampstead are projected to see continued growth due to the availability of land, with or without the Exit 4A project. The intersection of North Shore Road with NH Route 102 has already been identified as an area of concern by current users and will continue to feel the effects of local and regional growth. The proposed signalization and roadway improvements at this intersection will improve the safety for traffic exiting North Shore Road for access to the local and State highway network. Other roadway deficiencies on roadways around the lake are under Town jurisdiction and not within the scope of this project.

3. Please see the response to Comment 1. This Project includes measures to mitigate the effects of stormwater runoff.

P12

**Response to Comments Made by
Brendena M. Fleming, Parcel 132
Derry, NH
Letter received December 28, 2018**

1. The Department has re-evaluated the need for this treatment basin on Parcel 132 and determined it is feasibility to shift this roadway runoff to a treatment basin located to the east of the property.
2. During the Right of Way process, which will take place during final design, a representative of the NHDOT will meet with all affected property owners to discuss the extent of impacts to their properties.
3. Individual meetings with property owners will take place during the Right of Way process during final design.
4. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
5. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
6. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
7. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
8. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
9. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
10. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
11. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
12. The concern with potential impacts to property values is noted and the commenter will be consulted in accordance with NHDOT's right-of-way process. Property values are a function of many different variables, including "nearby land uses, community services such as sewer and water, land use controls, topography, natural amenities, regional growth or decline, prevailing mortgage interest rates, availability of capital funds, and supply and demand in the local real estate market."⁴ Potential loss in property value due to noise can be offset by increases in value due to improved transportation access. As a result, for purposes of the EIS, it is not possible to

⁴ http://www.dot.ca.gov/ser/vol4/downloads/chap_appdx/AppendixD_PropertyValues_21102011.pdf

- isolate the potential effect of the project on the value of individual properties given the complex interaction of multiple transportation and non-transportation related factors.
13. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
 14. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
 15. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
 16. It is unclear where the retaining wall the commenter references is located. There appears to be a retaining wall extending from the eastern side of the front of the house. This retaining wall is not anticipated to be impacted.
 17. Any regrading proposed will necessitate clearing the existing vegetation to move earth. These areas will be grassed following construction. The property owner will be responsible for future maintenance of their property.
 18. The proposed improvements to Tsienneto Road will improve the safety of the roadway for drivers. The existing road has substandard geometry that will be brought up to meet the minimum standards for the existing 30 mph speed limit. In addition, five-foot wide shoulders and granite curbing will be installed on both sides of Tsienneto Road, which will further enhance safety for pedestrians and bicyclists. The location of mailboxes will be decided during final design in coordination with the postal service and will be discussed during the Right of Way negotiation process.
 19. Your concern for the health impacts from the increase in traffic and emissions is acknowledged. As discussed in FEIS Section 4.4.1, the project area is in attainment for all the criteria pollutants under the NAAQS and New Hampshire state standards, and no adverse effects from the project are expected. According to the carbon monoxide (CO) hot-spot analysis, the predicted maximum CO concentrations would be well under the 1-hour and 8-hour NAAQS at the worst-case intersections for all Build Alternatives. With respect to fine particulate matter, a review of traffic data finds that the proposed connector roads would not have the potential for significant adverse impacts on PM_{2.5} concentrations. While a review of the traffic study indicates that the Build Alternatives would not affect PM_{2.5} concentrations at intersections. Finally, although MSAT emission levels could increase in a few localized areas where VMT increases, the qualitative MSAT analysis concludes future MSAT levels for the area will be significantly lower than current levels because of the EPA's vehicle and fuel regulations.
 20. On street parking is not allowed on Tsienneto Road in either the existing or the proposed condition due to roadway width. As noted above, the stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.
 21. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel. There is the potential for roadway improvements to impact your water supply well; after the final design plans are developed, the proximity of your water supply well to the roadway will be reviewed to ensure the NHDES rules associated with private well

setbacks are adhered to. If it appears the property owner's well may be impacted by the project, NHDOT will test the well water to determine baseline water quality. If water quality is affected by the Project, or if the well structure is directly affected by the Project, you may be eligible for mitigation of damages under the NHDOT well replacement program.

22. Your concern regarding communication efforts and information availability the Project thus far are noted. NHDOT notes extensive correspondence with the property owner beginning December 6, 2018. The Joint Public Hearing was designed in a manner to best relay the most current Project information and receive comments from the public.

P13
Response to Comments Made by
Brian M. Judge
Derry, NH
Letter received December 28, 2018

1. We understand your concern with Project impacts to the Beaver Lake watershed. The areas of the Project located within the Beaver Lake watershed will primarily be areas of redevelopment of existing roadway, rather than construction of new roadway or adding travel lanes, and therefore will add minimal new impervious roadway surface within the Beaver Lake watershed. The Project will utilize stormwater Best Management Practices (BMPs) to mitigate the effects of stormwater runoff to affected water resources, including Beaver Lake, as described in Section 4.11 of the FEIS. In addition, the Project is located within the Upper Beaver Brook watershed, portions of which are water quality impaired for chloride, and will be required to be consistent with watershed-wide salt reduction efforts, as described in Section 4.11 of the FEIS.
2. Your concern with the increase in traffic on local roads in the vicinity of Beaver Lake, notably North Shore Road has been noted. This section of NH 102 and the intersection of North Shore Road with NH Route 102 has already been identified as an area of concern by current users, and will continue to feel the effects of local and regional growth. The proposed signalization and roadway improvements at this intersection will improve the safety for traffic wishing to exit for access to the local and State highway network. Excessive speed on North Shore Road is a local enforcement issue and not within the scope of this project.
3. Please see the response to Comment 1.
4. There is the potential for stormwater to impact water supply wells in the vicinity of the Project if roadway alignments are relocated or if stormwater features are created or relocated. During final design, private wells adjacent to the project will be inventoried and reviewed relative to NHDES rules associated with private well setbacks.
5. The required clear span of a bridge per current NHDES Stream Crossing Rules is dependent upon the stream characteristics including delineated bankfull width, stream type, entrenchment ratio, etc. Based on a stream survey of Tributary E, the required clear span to satisfy these requirements is 40 feet. A weir will be constructed at the outlet of the proposed Tsienneto Road bridge to maintain the water surface elevations within this upstream wetland for normal flows up to and including the 2-year flood event. This bridge/weir configuration will preserve the upstream wetland and accommodate larger flood flows while eliminating overtopping of Tsienneto Road and alleviating flooding of the abutting property upstream. This Project includes improvement of

Tsienneto Road and the intersection with NH 102, but does not include the evaluation or replacement of the culvert under NH 102 for Tributary E. While the culvert under NH 102 is beyond the scope of the project, NHDOT may evaluate this culvert for possible inclusion in the Stream Passage Improvement Program (SPIP) as part of the Project mitigation plan. The hydraulic analysis shows that the increased opening area of the proposed Tsienneto Road bridge results in a small increase of less than one inch in water surface elevations just upstream of the NH 102 crossing for the 2-year storm, which currently overtops NH 102. For larger events, however, the analysis does not show any change in water surface elevations at the NH 102 crossing.

The areas of the Project located within the Beaver Lake watershed will primarily be areas of redevelopment of existing roadway, rather than construction of new roadway or adding travel lanes. Therefore, the Project will add minimal new impervious roadway surface within the Beaver Lake watershed. Stormwater flow volumes and resulting pollutants associated with roadway runoff are not expected to increase significantly. In addition, the Project will utilize stormwater Best Management Practices (BMPs) to mitigate and reduce the effects of stormwater runoff to affected water resources, including Beaver Lake, as described in Section 4.11 of the FEIS.

6. Your concern for the water quality in Beaver Lake is noted. The Project will utilize stormwater Best Management Practices (BMPs) designed to reduce or remove pollutants to mitigate the effects of stormwater runoff to affected water resources, including Beaver Lake, as described in Section 4.11 of the FEIS.

P14

**Response to Comments Made by
Ari B. Pollack, Representing Parcels 6, 7, 15, and 23
Concord, NH
Email received December 24, 2018**

1. NHDOT has committed to the purchase and preservation of an 8.7-acre parcel of land on the eastern side of the Woodmont Commons property south of Coteville Road as part of the Exit 4A mitigation package. This land, to be preserved as a wildlife corridor, borders approximately 1,300 linear feet of Shields Brook, its floodplain, and adjacent 2.5 acres of forested and emergent/shrub wetlands. The New Hampshire Fish & Game Wildlife Action Plan maps identify part of this area as supporting landscape (see Figure 4.16-2). No changes to the mitigation approach for the Exit 4A project have been proposed.
2. Regarding the assumptions made for the Woodmont Commons East footprints, the Project team developed assumptions associated with minimum and maximum footprints for each reasonably foreseeable future development. The maximum footprint is based on the PUD Master Plan. The minimum footprint, to which the comment refers, is based on the allowable limits for building height as outlined in the zoning regulations. It should be noted that the minimum and maximum footprints were developed to identify a potential range of impacts to resources rather than what level of development the market could support. Ultimately, any private development that is constructed on these parcels will require appropriate mitigation by the developer for impacts to natural resources.

P15

**Response to Comments Made by
Beaver Lake Improvement Association (Steven R. Anthony)
East Derry, NH
Letter received January 3, 2019**

1. Your concern with Project impacts to the Beaver Lake watershed is noted. The areas of the Project located within the Beaver Lake watershed will primarily be areas of redevelopment of existing roadway, rather than construction of new roadway or adding travel lanes, and therefore will add minimal new impervious roadway surface within the Beaver Lake watershed. In addition, the Project will utilize stormwater Best Management Practices (BMPs) to mitigate the effects of stormwater runoff to affected water resources, including Beaver Lake, as described in Section 4.11 of the FEIS.
2. The Project will likely improve the water quality of stormwater discharged from affected roadways to Beaver Lake by constructing new stormwater Best Management Practices (BMPs) designed to remove a significant portion of roadway pollutants. The project will be in compliance with all Clean Water Act permits as described in Section 4.11 of the FEIS.
3. Available data is incorporated in the project design, permitting and construction through the NHDES 303(d) list. Current and future roadway projects, including the Exit 4A Project, are required to meet a number of stormwater flow and pollutant treatment requirements that are protective of all water resources, including Beaver Lake, as described in Section 4.11 of the FEIS.
4. Final design plans will show the location, type, and specifications of stormwater treatment BMPs for the Project. Stormwater treatment will be designed to meet all regulatory criteria, including the requirements of the 2017 NH Small MS4 Permit, as discussed in Section 4.11 of the FEIS.
5. The Project team has had multiple discussions with NHDES and USEPA about additional water quality monitoring in the Upper Beaver Brook watershed as part of the Project. Currently, NHDES is developing a plan to expand water quality monitoring in Beaver Brook to document Project effects and NHDOT has made a commitment to support this effort for five years. The FEIS includes an update of the water quality monitoring planned as part of this Project.
6. We note the Beaver Lake Watershed Management Plan is an important guidance document for development in the Beaver Lake watershed. The Project will be developed as consistently as possible with the five goals set forth in the Beaver Lake Watershed Management Plan. Given that the Project will be developed in full compliance with all regulatory requirements, mitigation in the form of funding an update to the Beaver Lake Watershed Management Plan is not anticipated at this time. However, any permit conditions (which may include funding additional studies, plans, etc.) not anticipated at this time will be completed as required.
7. The required clear span of a bridge per current NHDES Stream Crossing Rules is dependent upon the stream characteristics including delineated bankfull width, stream type, entrenchment ratio, etc. Based on a stream survey of Tributary E, the required clear span to satisfy these requirements is 40 feet. The area north of this structure is designated by the Town of Derry as a Prime Wetland. A weir will be constructed at the outlet of the proposed Tsienneto Road bridge to maintain the water surface elevations within this upstream wetland for normal flows up to and including the 2-year flood event. This bridge/weir configuration will preserve the upstream wetland and accommodate larger flood flows while eliminating overtopping of Tsienneto Road

and alleviating flooding of the abutting property upstream. This Project includes improvement of Tsienneto Road and the intersection with NH 102. The culvert under NH 102 is beyond the scope of the project, but NHDOT may evaluate this culvert for possible inclusion in the Stream Passage Improvement Program (SPIP) as part of the Project mitigation plan. The hydraulic analysis shows that the increased opening area of the proposed Tsienneto Road bridge results in a small increase of less than one inch in water surface elevations just upstream of the NH 102 crossing for the 2-year storm, which currently overtops NH 102. For larger events, however, the analysis does not show any change in water surface elevations at the NH 102 crossing.

8. Your concern with the increase in traffic on local roads in the vicinity of Beaver Lake, notably North Shore Road is noted. This section of NH 102 and the intersection of North Shore Road with NH Route 102 has already been identified as an area of concern by current users, and will continue to feel the effects of local and regional growth. Only the section of North Shore Road at its intersection with Chester Road (NH 102) is located within the project area. Safety concerns at this intersection have been incorporated into the design, including right and left turn lanes onto North Shore Road from Chester Road. In addition, a traffic signal is proposed at this intersection that will function in coordination with the traffic signal at the intersection of Tsienneto Road and Chester Road. Excessive speed on North Shore Road is a local enforcement issue and not within the scope of this project.

P16

Response to Comments Made by

Ray Breslin

Londonderry, NH

Fax of Handwritten Letter received December 29, 2018

1. The diversion of traffic away from NH Route 102 via the proposed Alternative A alignment would reduce traffic in the downtown Derry area that has little additional room to accommodate such traffic, while the proposed alternative would be designed to handle the projected traffic volumes more efficiently.

The Ross' Corner intersection would be improved to handle the redistribution of traffic and the inclusion of the Pinkerton Street intersection as part of a coordinated traffic signal system will greatly improve safety for traffic exiting from Pinkerton Street.

The section of Folsom Road from North High Street to Ross' Corner has been sized appropriately for the key intersections to handle expected traffic levels, which would be too high to allow for safe left turning traffic movements from the assortment of local streets and driveways along its length. As such, a median island has been proposed to restrict turning movements to right turns only, and providing for the opportunity to reverse direction at the signalized intersections at either end.

At the east end of the Project, the intersection of Tsienneto Road and NH 102 is proposed to be signalized, and North Shore Road will be incorporated into the signal control system to improve operations over the existing unsignalized conditions that now exist.

Currently the Tsienneto Road crossing of Tributary E, located west of NH 102, consists two undersized culvert pipes, which contribute to the flooding that the area has experienced. An appropriately sized bridge is proposed to reduce the likelihood of future flooding. In addition to

this bridge, a weir will be constructed to prevent the draining of the prime wetland located north of Tsienneto Road.

The financial commitment of both Towns is currently capped at \$5 million each, much of which has already been expended to complete the environmental permitting process. The remainder of the funds for design and construction of Exit 4A are currently programmed using Federal and State funds in the NHDOT's Ten Year Plan.

Your support for the consideration of Alternative B as the preferred alternative is noted. However, as discussed in SDEIS Section 3.7, Alternative B would result in a larger impact to natural resources (including more than double the direct impacts to wetlands), as well as require a larger budget for project construction when compared to Alternative A. Alternative B would also require greater residential displacements (19) compared to Alternative A (14).

P17

**Response to Comments Made by
G. Thomas Cardon
Derry, NH
Letter received January 2, 2019**

1. Thank you for your input, your comment regarding the schedule of the December 5, 2018 Joint Public Hearing is acknowledged. The Joint Public Hearing was designed in a manner to best update the public on the status of the Exit 4A project and receive comments from all interested parties. Throughout the life of the project, public meetings and hearings were presented in various layouts to best capture input and present the complex work of the project. This included open houses, informal discussions with the project team, public notices of the hearing, handouts, exhibits, and opportunities to submit written comments and other exhibits. Testimonies of public meetings and hearings attendees are recorded as public comment, following a presentation of the most up to date project information for all interested parties.
2. Your concern with the impacts of road salt associated with the Project, which is located within the Upper Beaver Brook watershed, portions of which are water quality impaired for chloride is noted. The Project will be required to be consistent with watershed-wide salt reduction efforts including adherence to MS4 permit conditions for stormwater discharges to chloride impaired water bodies, as described in Section 4.11 of the FEIS. Chloride reduction plans are being developed by NHDOT, Derry, and Londonderry that describe chloride-reducing BMPs for department and municipal operations and the Project will be operated in accordance with the respective chloride reduction plans.
3. Your concern for the overall impact along Folsom Road resulting from the expansion of its two lanes to six lanes is noted. Economic development, traffic congestion, and safety issues within the study area were identified through the cooperative work of the Towns of Derry and Londonderry, FHWA, and NHDOT. Impacts to community cohesion and environmental justice populations are addressed in Sections 4.7 and 4.8 of the FEIS. Design elements of the Build Alternatives, such as wider shoulders and a continuous sidewalk, work to improve safety for pedestrians, bicyclists, and vehicles in residential areas along the eastern portion of the alignment in the Town of Derry. Overall, the quality of transportation services and safety are expected to improve.

Relative to the reduction in traffic through downtown Derry, the purpose and need for this project, which was developed in conjunction with the Town of Derry, includes reducing the traffic volume on Broadway (NH 102) through downtown Derry. The high level of through traffic in downtown Derry has been an impediment to downtown revitalization since most of the business do not rely on 'pass-by' traffic. By diverting the through traffic that does not have a destination in the downtown area away from Broadway, the downtown can attract more destination-oriented and pedestrian-friendly business activity, thus increasing the commercial tax base in this area. The Town is currently updating its Master Plan, which will provide residents and business owners the opportunity to set the direction for the future development of the downtown area once Exit 4A is in place.

P18

**Response to Comments Made by
Brian G. Germain, Esq. on behalf of Mr. and Mrs. Messina; Royal T. Carwash, Representing
Parcel 76
Derry, NH
Letter received January 4, 2019**

1. The concerns for the proposed impacts to components of the commenter's business, including drying area, propane distribution area, and vacuums are acknowledged. The property owners will be contacted by NHDOT Right of Way staff to evaluate the impacts the project will have on the business. The concerns noted in this letter will be discussed during the right-of-way negotiation process. Complete acquisition of the property and relocation of the business may be considered.
2. The commenter's concerns are acknowledged. The front parking area is proposed to be reduced. The concerns noted in this letter will be discussed during the Right of Way negotiation process.
3. Due to the high level of traffic and number of lanes on Folsom Road, a raised median has been provided to prevent left turn maneuvers for safety reasons and to keep traffic flowing. Folsom Road will have seven lanes of traffic in front of this property. The driveway for this property is located approximately 300 feet from the intersection of Folsom Road with NH 28 and allowing vehicles to turn left across so many lanes of traffic so close to this intersection would create safety concerns. Vehicles will be able to make U-turns at the traffic signals at Franklin Street and NH 28.
4. NHDOT Right of Way staff will contact the property owners during the final design stage of the project. The concerns noted in this letter will be discussed during the Right of Way negotiation process.
5. Your comment regarding the public outreach efforts throughout the Project is noted. Throughout the life of the project, public meetings and hearings were presented in various layouts to best capture input and present the complex work of the project. This included open houses, informal discussions with the project team, public notices of the hearing, handouts, exhibits, and opportunities to submit written comments and other exhibits. Testimonies of public meetings and hearings attendees are recorded as public comment, following a presentation of the most up to date project information for all interested parties. NHDOT Right of Way staff will contact the property owners during the final design stage of the project. The concerns noted in this letter will be discussed during the Right of Way negotiation process.

6. Your comments regarding the need for the project and analysis of all proposed alternatives developed throughout the life of the project is noted. As noted in the SDEIS and FEIS (when available), the need for the project is to provide traffic congestion relief in downtown Derry and to promote economic vitality in Londonderry and Derry. The need for the project has been strongly supported by both towns.

As required by the National Environmental Policy Act (NEPA) process and discussed in the SDEIS and the FEIS, project scoping and conceptual corridor planning were conducted and evaluated based on engineering, environmental, cultural, topographic, and socioeconomic constraints. Following two iterative stages of conceptual corridor screening, the five Build Alternatives are presented in the EIS document in accordance with the requirements of NEPA, the regulations of the Council on Environmental Quality, as well as applicable FHWA regulations and guidance, with Alternative A identified as the preferred alternative.

7. The need for the project is discussed in section 2.2 of the FEIS and details the work completed by the Towns of Derry and Londonderry, the FHWA, and NHDOT. Existing traffic performance of the project study area was evaluated and included in the FEIS Section 4.2 Traffic and Transportation. Generally, the results of traffic analysis showed that the I-93 interchange facilities operate at Level of Service (LOS) D or better in 2015 during the AM and PM peak periods. The impact calculation of the purpose and need for the Build Alternatives is summarized in Table 3.7-1 of the FEIS, which compares changes in traffic through downtown Derry (NH 102) to the 2040 No Build Conditions: NH 102 East of Griffin Street.
8. Due to the number of lanes of traffic and close proximity to the intersection of Folsom Road and NH 28, the raise median is needed to prevent dangerous turning maneuvers. A two-way left turn lane would require more Right of Way taking and is not appropriate in situations with so many lanes of traffic.
9. The phasing of construction will be determined during the final design phase of the project.
10. The modifications to the property that are needed will be discussed during the Right of Way negotiations process.
11. The viability of the business after the partial acquisition will be considered in detail during the right-of way acquisition process.

P19
Response to Comments Made by
Conservation Law Foundation (CLF) (Tom Irwin)
Concord, NH
Email and Letter received January 3, 2019

1. The Exit 4A FEIS transportation analyses assumed completion of the widening of I-93 to four-lanes in each direction as part of the development of the 2040 No Build condition future transportation network. These same “No Build Projects” were also included in the 2040 Build condition analyses (for a complete list of No Build transportation projects, refer to the SNHPC Travel Demand Forecast Model Development and Calibration Report—Appendix D to the FEIS Traffic Technical Report). Widening to four-lanes is a programmed project in NHDOT’s 2019-2028 Ten Year Transportation Improvement Plan (project ID# 14633J) and the Southern New Hampshire Planning Commission’s FY2017-FY2040 long-range transportation plan. Therefore, the construction of the 4th lane was a “reasonably foreseeable” future action in the context of NEPA’s requirements to consider cumulative impacts (40 CFR1508.7).

The lead agencies acknowledge construction of the 4th lane is subject to certain conditions related to chloride loadings as described in the I-93 Improvements Supplemental Record of Decision and Section 401(c) Water Quality Certification. However, it is not necessary for the separate and independent Exit 4A project to address or resolve the water quality compliance provisions applicable to the I-93 improvements project. Inclusion of the 4th lane in the 2040 No Build projects list for the FEIS and assuming chloride constraints could be resolved by 2040 was reasonable and based on factual information (inclusion of the project in long-range transportation plans). From an environmental standpoint, inclusion of the 4th lane in the cumulative chloride loading analyses is conservative (over predicting vs under predicting) potential impacts—if the 4th lane is not constructed, cumulative chloride loadings would be less than shown in the FEIS. The comment intimates that widening to the full four-lane configuration is subject to traffic demand considerations contained within the Supplemental ROD (SROD). To clarify, Section 4.5 - Basis for Decision on page 9 of the SROD states “The FSEIS analyses confirm that four-lanes in each direction are needed to address the long-term needs of the I-93 corridor and would substantially alleviate severe congestion.”

The comment refers to a March 8, 2011 letter from NHDOT to FHWA regarding implementation of TDM and TSM commitments in the I-93 Improvements SROD as the backup for an assertion that construction of the 4th lane can only occur when warranted by traffic volumes. In the context of the SROD and the ongoing monitoring and evaluation of travel demands on the corridor; the reasonably foreseeable traffic demands, seasonal peak demands, along with the long-term needs, all warrant the construction of the 4th lane.

2. Recognizing that the Exit 4A project could be constructed before the 4th lane, a three-lane I-93 sensitivity analysis has been conducted for the FEIS (see Appendix N of the Interchange Justification Report, which is located in Appendix D of the FEIS). The results of the sensitivity analysis show that traffic operations on I-93 will operate at an acceptable level with 3 or 4 lanes. This shows that the traffic changes predicted by the construction of Exit 4A do not “force”

construction of the 4th lane and that the Exit 4A project is appropriately considered independently from decisions about the timing of construction of the 4th lane.

P20

**Response to Comments Made by
William G. Kent Jr., Parcel 107
Derry, NH
Letter received January 2, 2019⁵**

1. The well will not be physically impacted by the widening of Tsienneto Road; however, there is the limited potential for roadway runoff to impact water supply wells in the vicinity of the project. During final design, private wells adjacent to the project will be inventoried and reviewed relative to NHDES rules associated with private well setbacks. For private wells along Town-maintained roadways, such as Tsienneto Road, the property owners would need to coordinate with the Town of Derry if they feel the well water quality has been impacted by the project.
2. A portion of the existing stone wall will be impacted by the proposed construction. The impacted stone wall will be evaluated during the design phase in accordance with NHDOT's Stone Wall Policy Guidelines. The feasibility of preservation or reconstruction of the wall will be determined through evaluation requirements of Section 106 of the National Historic Preservation Act of 1966, under revised regulations for "Protection of Historic Properties" (36 CFR 800) effective 2004, as well as New Hampshire State Law RSA 227-C.
3. The proposed roadway widening and slope grading will require the removal of some of the existing vegetation. NHDOT typically addresses the loss of landscaping as part of the right-of-way settlement. The homeowner can reinvest the funds to replace the landscaping upon completion of the project.

P21

**Response to Comments Made by
Karl Kuceris, Parcel 81
Derry, NH
Letter received January 4, 2019**

1. The project will cause the sidewalk to be shifted toward the Hiki Realty Trust property, which will reduce the width of the mulched area between the sidewalk and parking lot. A portion of the parking area will be regraded and repaved as part of the project, however the size of the parking lot and its configuration will be unchanged and no loss of parking spaces is anticipated. Temporary easements will be needed to complete this work, but no permanent Right of Way taking is expected.

⁵ Comment letter to U.S. Army Corps of Engineers regarding public notice on the Section 404 permit application. The responses in this section are the responses of the NHDOT, FHWA, and Towns of Derry and Londonderry prepared for NEPA purposes and are not responses by USACE. These responses are provided because of the comments' subject matter relevance to the EIS content and technical analyses (e.g. purpose and need, alternatives, environmental impacts and mitigation).

P22**Response to Comments Made by
Chris McCarthy, Parcel 29
Derry, NH
Letter received January 3, 2019**

1. NHDOT ROW staff have met with Mr. McCarthy twice regarding this issue and have explained the acquisition and relocation process. NHDOT explained the process for appraising and acquiring land as well as relocation assistance in accordance with NHDOT's Right-of-Way Manual⁶ and the Uniform Relocation Assistance and Real Property Acquisition Act.
2. State statute, RSA 498-A:4, II, (b) allows for a maximum reimbursement of a \$1,000 to condemnees.⁷ In the instant case, Mr. McCarthy has already commissioned an appraiser, who has begun to appraise the subject parcel.

P23**Response to Comments Made by
Steve Trefethen, 101 Franklin Derry llc., Parcels 62 and 63
Derry, NH
Letter received December 29, 2018**

1. The commenter's concerns for the loss of taxable land in Derry are noted. The purpose and need for this project, which was developed in conjunction with the Town of Derry, includes reducing the traffic volume on Broadway (NH 102) through downtown Derry. The reason for this is that increasing traffic levels would create congestion that would effectively obstruct economic growth in the downtown area.
2. The commenter's concerns about redevelopment of parcels on Folsom Road are noted. The Town of Derry is undertaking a study to consider rezoning this area to a higher intensity commercial land use. Property tax impacts and the potential Derry rezoning are discussed in Sections 4.7 and 5.3 of the FEIS, respectively. The timing of potential redevelopment of this area is subject to factors outside of NHDOT's control, including the market to support such development.
3. The commenter's concerns for the acquisition of property for stormwater treatment are acknowledged. EPA MS4 stormwater treatment requirements for the impervious area from the roadway necessitate a large area for treatment. Due to the heavily developed nature of the area and the topography of the land, there are a limited number of areas where stormwater treatment is possible. During final design of the project, the stormwater treatment areas will be further refined and will be reduced in size if possible, while maintaining required treatment levels.

The high level of through traffic in downtown Derry has been an impediment to downtown revitalization since most of the business do not rely on 'pass-by' traffic. By diverting the through traffic that does not have a destination in the downtown area away from Broadway, the downtown can attract more destination-oriented and pedestrian-friendly business activity, thus increasing the commercial tax base in this area. The Town is currently updating its Master Plan, which will

⁶ <https://www.nh.gov/dot/org/projectdevelopment/rightofway/documents/dmmbook.pdf>

⁷ <https://www.nh.gov/dot/org/projectdevelopment/rightofway/documents/dmmbook.pdf>

provide residents and business owners the opportunity to set the direction for the future development of the downtown area once Exit 4A is in place.

4. The commenter's concerns regarding where development is needed are noted. Property acquisition will follow NHDOT's Right of Way Manual and the Uniform Relocation Assistance and Real Property Acquisition Act. Property tax impacts are discussed in Section 4.7 of the FEIS.
5. During the Right of Way process, which will take place during final design, a representative of the NHDOT will meet with all affected property owners to discuss the extent of impacts to their properties.
6. The commenter's proposal for stormwater treatment is noted. The treatment requirements for EPA MS4 require a significantly larger area than the commenter suggests. During final design of the project, the stormwater treatment areas will be further refined and will be reduced in size if possible, while maintaining required treatment levels.
7. On January 29, 2019, representatives from NHDOT and the Town of Derry meet with Mr. Trefethen for an overview of the project, its impacts and an understanding as to the concerns for redevelopment along this section of Folsom Road.

P23A

**Response to Comments Made by
Steve Trefethen, 101 Franklin Derry llc., Parcels 39, 62, and 63
Derry, NH
Letter hand-delivered at the December 5, 2018 Public Hearing**

1. The commenter's concerns about loss of taxable land in Derry and redevelopment of the parcels on Folsom Road are noted. The commenter's assessment is correct that the property acquisitions needed to construct the town-initiated project will have a short-term tax impact for the community, but in the long-run, it is expected to be enhanced with other development expansion for properties that will benefit from the new access through redevelopment and expanded development along the corridor. Property tax impacts are discussed in Section 4.7 of the FEIS.
2. NHDOT will be acquiring only the land needed for the highway purpose to accommodate the construction of the new roadway and drainage treatment basins. This will be in compliance with Federal and State laws. Due to the impacts to Parcel 39, NHDOT will be proceeding with a full acquisition. On Parcels 62 and 63, the acquisition will be for only for the land needed for highway purposes; however, if the remnant property would be considered unusable, it is possible to request full acquisition by NHDOT. Driveway access will be maintained should the owner elect to retain ownership of the remnant parcels.
3. The State values a property at its highest and best use. Highest and best use is defined as the reasonably probable use of a property that results in the highest value based on what is legally permissible, physically possible, financially feasible, and results in the maximum productivity. If the property's highest and best use is as a mixed use property that is how it will be appraised. Once the highest and best use is determined the appraiser will calculate the property value before the acquisition, and then after, taking into account any decreases in value due to the change in highest and best use.

4. Once the State presents its offer and a unit is then vacated the State will pay “protective rent” to the property owner to keep the unit vacant.
5. The Department will assist all occupants, whether owners or tenants, residential or businesses, who are displaced as a result of impacts from this project to property they currently occupy. That assistance will come in the form of relocation advisory services, monetary help and industry expertise from the Department's highly-trained Right-of-Way Relocation staff. Those who are displaced by the project, will be relocated to suitable replacement properties. This effort will be managed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA).
6. Once the NHDOT has layout approval through the Special Committee and the approval of the environmental document through FHWA with the issuance of the final Record of Decision, NHDOT will begin the right-of-way acquisition process and will contact property owners directly.
7. The acquisition of properties and relocation assistance will be based on NHDOT's Right-of-Way Manual and the Uniform Relocation Assistance and Real Property Acquisition Act.
<https://www.nh.gov/dot/org/projectdevelopment/rightofway/documents/dmmbook.pdf>
8. The commenter's concerns regarding appraisals, acquisition, and compensation are noted.

P24

**Response to Comments Made by
Brendena Torelli, Parcel 132
Derry, NH**

Emails received on December 25, 28, 2018 and January 11, 2019

1. The stormwater treatment design in the vicinity of the Fleming parcel has been revised and will no longer impact this parcel.

P25**Response to Comments Made by
Frantz G. Cantave, Parcel 10
Derry, NH****Letter received via email December 14, 2018 ⁸**

1. The property owner's concerns are noted. The stream on the western side of Trolley Car Lane and the two streams that converge behind the residence have not been influenced by the I-93 construction. The larger stream that these streams flow into near the bottom of the I-93 embankment was assessed as part of the I-93 widening project and a proposed stream channel cross section was developed to handle the flows following the widening of I-93. This channel section will be utilized in the relocation of the stream in conjunction with Exit 4A construction. Because the Exit 4A interchange and ramps will be built further to the west than the widened edge of I-93, more water will be collected in the drainage system that flows to the median of I-93, thus less water will flow towards the property in question.
2. The request to the U.S. Army Corps of Engineers has been noted.

P26**Response to Comments Made by
Steve Vadney, Parcel 36
Derry, NH****Spoke at the hearing on December 5, 2018**

1. The intent of the stormwater easement crossing the Vadney property was to not impact the residence. This property was outside the initial surveyed area and the residence was constructed subsequent to the Town of Derry's GIS data collection. The stormwater easement area will be modified to avoid impacts to any structures. Based on GIS contours, it appears that stormwater treatment can be constructed between two adjacent properties (Parcels 36 and 37) without impacting any structures. This will be further evaluated during final design.

P27**Response to Comments Made by
Steve Trefethen, Parcels 62 and 63
Derry, NH****Spoke at the hearing on December 5, 2018**

1. Your concerns regarding the property tax impacts are noted. Taxable assessed valuation analysis is described in section 4.7.2 of the FEIS. Property tax impacts by Build Alternative are listed in Table 4.7-6 of the FEIS.
2. Right of Way acquisition will be undertaken for any area shown as taking on the Public Hearing Plan for the roadway. In addition, potential stormwater treatment areas are also shown, which will either require Right of Way taking or land use restrictions. NHDOT will work with land owners to maintain access to the remaining portions of parcels.

⁸ Comment letter to U.S. Army Corps of Engineers regarding public notice on the Section 404 permit application. The responses in this section are the responses of the NHDOT, FHWA, and Towns of Derry and Londonderry prepared for NEPA purposes and are not responses by USACE. These responses are provided because of the comments' subject matter relevance to the EIS content and technical analyses (e.g. purpose and need, alternatives, environmental impacts and mitigation).

3. Right of Way acquisition will be necessary for any area shown as taking on the Public Hearing Plan for the roadway. In addition, potential stormwater treatment areas are also shown, which will either require Right of Way taking or land use restrictions.
4. The State has not begun to acquire any property and will not until after the ROD has been issued.
5. The State values a property at its highest and best use. Highest and best use is defined as the reasonably probable use of a property that results in the highest value based on what is legally permissible, physically possible, financially feasible, and results in the maximum productivity. If the property's highest and best use is as a mixed use property that is how it will be appraised. Once the highest and best use is determined the appraiser will calculate the property value before the acquisition, and then after, taking into account any decreases in value due to the change in highest and best use.
6. The State only acquires that property which is necessary to layout the highway as designed. Not all property acquired for this purpose will fall within the road way, various types of easements (i.e., slope, drainage, temporary construction) will also be necessary to complete the highway layout. As to the question of access Folsom Road in the area of Mr. Trefethen's property, Parcels 62 and 63, is a municipally maintained highway, as such access to Folsom Road would need to be granted by the Town of Derry.
7. Once the State presents its offer and a unit is then vacated, the State will pay "protective rent" to the property owner to keep the unit vacant.
8. The NHDOT will assist all occupants, whether owners or tenants, residential or businesses, who are displaced as a result of impacts from this project to property they currently occupy. That assistance will come in the form of relocation advisory services, monetary help and industry expertise from the Department's highly-trained Right-of-Way Relocation staff. Those who are displaced by the project, will be relocated to suitable replacement properties. This effort will be managed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA).
9. Should the special committee find necessity for this layout, the NHDOT will begin preparing appraisals for each of the properties impacted by the project. An appraiser will contact each owner to appraise their property. The appraisals will reflect the fair market value of the property rights needed for the new construction. The appraisals are reviewed by a senior appraiser to see that all appraisals are accurate and have taken into account all applicable approaches to value. The value in the reviewed and finalized appraisal will be the offer of compensation used by the Department as a basis for negotiations. At this point, a ROW agent from the NHDOT will visit each property owner and discuss each acquisition separately. This is an opportunity for owners to ask questions and bring up concerns. If the property owner is satisfied with the offer, deeds are prepared, ownership is transferred to the State and compensation is provided to the property owner. If negotiations between the owner and the department fail, the matter will be filed with the New Hampshire Board of Tax and Land Appeals, where the owner will have the opportunity to argue for additional compensation. If either party can appeal the Board's decision to the Superior Court if they are unsatisfied.
10. All taxes typical of real estate transactions apply to property acquisitions.

11. The funding for the project is included in the Ten Year Transportation Improvement Plan (STIP). Under the 2019-2028 STIP, a budget of \$12.7 Million for right-of-way acquisitions for Exit 4A project.

P28
Response to Comments Made by
Tom Cardon
Derry, NH
Spoke at the hearing on December 5, 2018

1. Your comment regarding the lack of economic development in Derry is noted.
2. The commenter's concern for the need for residents of Folsom Road and Ferland Drive to make U-turns is acknowledged. Due to the large volume of traffic anticipated on Folsom Road in this area and because there will be six lanes of traffic on Folsom Road, it would be a safety concern to allow left turns in and out of Ferland Drive.
3. Your comment regarding the accommodation of the rail trail is noted.

P29
Response to Comments Made by
Chris Nickerson, Representing Parcels 93, 95-1, 95-2, and 97
Derry, NH
Spoke at the hearing on December 5, 2018

1. The commenter's support for the project is noted.
2. The commenter's offer of traffic data from the Overlook Medical developments is appreciated, and the Project team will request it, if necessary, during the design process.

P30
Response to Comments Made by
Mark Connors
Derry, NH
Spoke at the hearing on December 5, 2018

1. Your comment and support are noted.
2. The impact to Shields Brook and the adjacent wetlands associated with the culvert replacement under Folsom Road have been considered and included in the impact quantities for the project. The culvert upgrade will be designed to meet NHDES stream crossing rules. The upstream rail trail crossing is outside the limits of the hydraulic study, which extends approximately 500 feet upstream of the Folsom Road crossing. The model does show decreases in water surface elevations at the upstream boundary of the model from existing to proposed, however, the rail trail crossing is approximately another 500 feet further upstream. Therefore, the effects on the rail trail crossing from opening up the Folsom Road crossing will be minimal.
3. The commenter's support for the rail trail underpass is noted. The Exit 4A project is proposing to construct approximately 900 feet of trail to ensure safe passage for users through the project area. Any additional trail construction is beyond the scope of this project.

P31

**Response to Comments Made by
Ashley Haseltine
Greater Derry Londonderry Chamber of Commerce
Derry, NH
Spoke at the hearing on December 5, 2018**

1. Support from The Greater Derry Londonderry Chamber of Commerce is noted.

P32

**Response to Comments Made by
Larry Rider, Parcel 111
Derry, NH
Spoke at the hearing on December 5, 2018**

1. Alternatives that included an interchange south of Exit 4 in the vicinity of Kendall Pond Road or Fordway were evaluated as part of the original Scoping and Rationale Report early in the EIS process, but were found not to be as effective in meeting the purpose and need of the project as far as diverting traffic away from the downtown area. As such, they were dropped from further consideration and study.
2. The purpose of the wider shoulders on Tsienneto Road is to bring the roadway up to current design standards and to allow for safer accommodation of all users (vehicular, bicycle, and pedestrian) , not specifically to alleviate traffic congestion.
3. Currently pedestrian crosswalks are provided on the north and west sides of the intersection of Tsienneto Road and NH 28 Bypass, with a sidewalk only on the west side of NH 28 Bypass. A pedestrian overpass would require significant additional impacts to developed private properties, additional cost, and is not considered practical.

P33

**Response to Comments Made by
Ron Randall, Parcel 40
Derry, NH
Spoke at the hearing on December 5, 2018**

1. The spelling of the property owner's name is noted and has been updated. Based on the request for early acquisition, NHDOT ROW staff have reached out to Mr. Randall to start the appraisal process. Once the ROD has been issued, the NHDOT will proceed with the acquisition.

P34

**Response to Comments Made by
Ray Breslin
Londonderry, NH
Spoke at the hearing on December 5, 2018**

1. The Ross' Corner intersection would be improved to handle the projected redistribution of traffic and the inclusion of the Pinkerton Street intersection as part of a coordinated traffic signal system which will greatly improve safety for traffic exiting from Pinkerton Street.

The section of Folsom Road from North High Street to Ross' Corner has been sized appropriately for the key intersections to handle expected traffic levels, which would be too high to allow for safe left turning traffic movements from the assortment of local streets and driveways along its

length. As such, a median island has been proposed to restrict turning movements to right turns only, and providing for the opportunity to reverse direction at the signalized intersections at either end.

To the east of the new Pinkerton Street signalized intersection, Tsienneto Road will continue to have a center turn lane that will allow left turns into the various driveways to residences and businesses along its length. Making left turns from these driveways onto Tsienneto Road is challenging today and will continue to be so but would still be a legal movement. Traffic from the Sunview Condominiums that wishes to go to the west can use internal roads to get to Pinkerton Street to use the signal there and make a safer left turn towards the west.

2. Providing a connection to Ashleigh Drive from the southerly interchange location was considered as part of Alternative B. The utility and environmental impacts for that alternative were significant and that alternative was not ultimately selected. The commenter's preference is noted.
3. The Project team acknowledges that there will be wetland impacts associated with the Exit 4A project, as described and quantified in Section 4.12 of the FEIS. The cumulative wetland impacts of the project and the subsequent development of the land around the connector road is also described in Section 5.4.2 of the FEIS.

Soils were examined as required for the delineation of wetland boundaries. In addition, Sections 4.9.1 of the FEIS describes soils and surficial geology within 500 feet of the alternatives. A soils map is included as Figure 4.9-1. Impacts to soils, and mitigation measures to minimize impacts are described in FEIS Sections 4.9.2 and 4.9.3, respectively.

4. The alternatives analysis considered the location of natural and man-made features on the landscape, including utility easements. Your statement about locating highways parallel to transmission corridors is noted. Your statement that wetlands and floodplains may be present at the Beaver Brook crossing is noted. Wetlands at stream crossing locations were identified, flagged and mapped, and are shown in Figures 4.12-1 through 4.12-14, and described in Sections 4.12. Floodplains, as identified by the Federal Emergency Management Agency (FEMA), have also been identified, as noted in Section 4.15 of the FEIS and shown on Figure 4.15-1 in Volume 2 of the FEIS. These resources were taken into consideration in project design.
5. Your comments regarding the driving conditions and traffic flow along Tsienneto Road and the surrounding area are noted and are taken into consideration. The FEIS presents five Build Alternatives and impacts associated with them compared to a No Build Alternative. Alternative A was selected as the Towns of Derry and Londonderry, NHDOT, and FHWA as the preferred alternative (see section 3.7.2 of the FEIS). Prior to implementing the projects, Section ES.8 presents the federal and state actions required.

P35**Response to Comments Made by
John Madden, Parcel 57-1
Derry, NH****Spoke at the hearing on December 5, 2018**

1. The commenter's concerns regarding the safety of backing onto Folsom Road are understood. Traffic will increase significantly on Folsom Road following the completion of the project. A turnaround area along the driveway could be provided. This request will be discussed during the Right of Way negotiation process.
2. The commenter's concerns about property value are noted. Property values are a function of many different variables, including "nearby land uses, community services such as sewer and water, land use controls, topography, natural amenities, regional growth or decline, prevailing mortgage interest rates, availability of capital funds, and supply and demand in the local real estate market."⁹ Potential loss in property value due to noise can be offset by increases in value due to improved transportation access. As a result, for purposes of the EIS, it is not possible to isolate the potential effect of the project on the value of individual properties given the complex interaction of multiple transportation and non-transportation related factors.

P36**Response to Comments Made by
Daniel Jackson, Parcel 163
Derry, NH****Spoke at the hearing on December 5, 2018**

1. The commenter's concerns about flooding related to the proposed bridge on Tsienneto Road and the culvert under NH 102 are noted. Regarding the replacement of the Tributary E culverts under Tsienneto Road, a weir will be constructed at the outlet of the proposed Tsienneto Road bridge to maintain the water surface elevations within the upstream wetland and flows up to the 2-year flood event. The hydraulic analysis shows that the increased opening area of the proposed Tsienneto Road bridge results in only a small increase of less than one inch in water surface elevations just upstream of the NH 102 crossing for the 2-year storm, which currently overtops NH 102. For larger events, however, the analysis does not show any change in water surface elevations at the NH 102 crossing.
2. Any culverts located within the limits of work shown on the Hearing Plan will be evaluated and replaced as necessary. Pipes located on North Shore Road or NH 102 beyond the limits of the project are outside the scope of this project. The NHDOT is currently conducting an evaluation of culvert replacement projects that may be considered under the Stream Passage Improvement Program (SPIP) portion of the Project mitigation plan.
3. The concern with potential impacts to property values is noted. Property values are a function of many different variables, including "nearby land uses, community services such as sewer and water, land use controls, topography, natural amenities, regional growth or decline, prevailing mortgage interest rates, availability of capital funds, and supply and demand in the local real

⁹ http://www.dot.ca.gov/ser/vol4/downloads/chap_appdx/AppendixD_PropertyValues_21102011.pdf

estate market.”¹⁰ Potential loss in property value due to noise can be offset by increases in value due to improved transportation access. As a result, for purposes of the EIS, it is not possible to isolate the potential effect of the project on the value of individual properties given the complex interaction of multiple transportation and non-transportation related factors.

The intersection improvements to the intersections of NH 102 with North Shore Road and Tsienneto Road, which includes widening and signalization, are needed based on the anticipated future (2040) traffic volumes. The signalized intersections will be coordinated to improve traffic flow and safety.

P37

**Response to Comments Made by
Alice Archambault, Parcel 50
Derry, NH**

Spoke at the hearing on December 5, 2018

1. The commenter’s concerns about increased traffic on Franklin Street and Exeter Street are acknowledged. Under the preferred alternative, the projected 2040 traffic volume on Franklin Street would be less than that under the No Build 2040 condition. Additionally, the proposed traffic signal at the intersection of Franklin Street and Folsom Road will help to keep traffic flowing. In addition, the raised median on Folsom Road will help to alleviate the appeal of using Exeter Street as a cut-through for non-resident traffic by preventing vehicles wanting to turn left from using Exeter Street to bypass the traffic signal.

P38

**Response to Comments Made by
John DeGroot, Parcel 164
Jake’s Autobody
Derry, NH**

Spoke at the hearing on December 5, 2018

1. The commenter’s concerns for traffic safety on Tsienneto Road are understood and shared. The proposed changes to Tsienneto Road are intended to bring the existing substandard roadway geometry up to meet current design standards for the posted speed limit of 30 mph. The proposed traffic signal at the intersection of Tsienneto Road and NH 102 will be designed to handle the projected traffic volume and thus help alleviate the traffic backups that occur now by allowing vehicles to turn left out of Tsienneto Road more safely and efficiently.

¹⁰ http://www.dot.ca.gov/ser/vol4/downloads/chap_appdx/AppendixD_PropertyValues_21102011.pdf

P39

**Response to Comments Made by
Steve and Shannon Vadney, Parcel 36
(via Kevin Hatch, Cornerstone Survey Associates Inc.)
Derry, NH
Email received December 6, 2018**

1. Your concern about the stormwater treatment area is noted. The information you provided will be considered during final design as the conceptual stormwater treatment areas are refined.

P40

**Response to Comments Made by
Tom Mitchell, Parcel 95
via phone call with
Keith A. Cota (NHDOT) and Christopher Bean (Fuss & O'Neil Inc)
December 7, 2018**

1. The impacts to your property and location of proposed traffic signals are shown on the hearing plan.
2. The hearing plan, which is available on the project website (www.i93exit4a.com) includes information regarding the proposed improvements along Tsienneto Road. Impacts to this vacant parcel include a small strip acquisition and slope easement.

P41

**Response to Comments Made by
Bill Kennedy, Parcel 29
MET-L MACHINE
Derry, NH
Emailed received December 19, 2018**

1. The right-of-way acquisition process will not begin and no properties will be purchased until NHDOT has layout approval through the Special Committee and the approval of the environmental document through FHWA with the issuance of the final Record of Decision (ROD).

At the conclusion of the ROD, NHDOT will take control of the project from the Towns of Derry and Londonderry to include final design, permits and right-of-way acquisitions, and relocation assistance. Because the property where the business is located is identified for a full acquisition, NHDOT will work with the property owner to develop a property appraisal to determine the purchase offer. As the appraisal is being completed, the Department Relocation staff will be in contact with business units to start a review of the relocation program and timing for moving. A copy of the lease rental agreement with the property owner is required to qualify for business relocation benefits. The general outline of reimbursable costs for relocation is outlined in the following ROW document (refer to page 30/31):

<https://www.nh.gov/dot/org/projectdevelopment/rightofway/documents/dmmbook.pdf>

As part of NHDOT's process, a ROW agent will be assigned to assist you with the process. The timing of this assignment can be advanced if early relocation assistance is requested. A request for early relocation assistance can be sent to: Chairman of the Special Committee, c/o Peter E.

Stamnas, Director of Project Development, NH Department of Transportation, PO Box 483, Concord, NH 03302-0483.

NHDOT extended an offer to meet with the commenter for additional discussions.

P42

**Response to Comments Made by
Steve Trefethen, Parcel 62 and 63
101 Franklin Derry llc
Derry, NH
Emailed received December 29, 2018**

1. An offer to meet with the commenter was extended to provide an overview of the right-of-way acquisition process and information regarding what is covered, and what is subjected to state and federal taxes. If maintaining ownership of the remnant parcels after the acquisition is not desired, NHDOT may acquire this parcel in total fee, and the appraisal process could be initiated at that time
2. Please see the response to P23, Comment 1.
3. Please see the response to P23, Comment 2.
4. Please see the response to P23, Comment 3.
5. Please see the response to P23, Comment 4 and Comment 6. NHDOT understands the commenter's concern with the acquisition of a drainage easement on the back of Parcels 62 and 63 and the resulting impacts to the possible use of the remnant property. NHDOT will review your concern and try to reduce the area needed for the construction of a water quality basin that will meet the water quality initiatives of the project, as well as the regulatory requirements for the State's and Town's compliance with EPA's MS 4 permit regulations.
6. Please see the responses to P23, Comment 5 and P23A, Comment 1. The commenter's assessment is correct that the property acquisitions needed to construct the town-initiated project will have a short-term tax impact for the community, but in the long run, it is expected to be enhanced with other development expansion for properties that will benefit from the new access through redevelopment and expanded development along the corridor.
7. Please see the response to P23, Comment 6.
8. Please see the response to P23, Comment 7.

P43

**Response to Comments Made by
Steve Trefethen, Parcel 62 and 63
101 Franklin Derry llc
Derry, NH
Emailed received January 2, 2019**

1. The commenter's request for a meeting is noted. Keith Cota, John Johnson, and Steve LaBonte of NHDOT met with Mr. Trefethen on January 29, 2019. Mr. Trefethen's concerns were discussed and the acquisition process was explained to him.

P44**Response to Comments Made by
Maria Andrade, Parcel 48
89 Franklin Street
Derry, NH****Emailed received December 12, 2018**

1. An excerpt from the Public Hearing plan showing the commenter's property was included as a response to the email (see P44 in Comment Document). As shown in the plan, the project intent is to minimize the impacts on the property at 89 Franklin Street with the installation of a short retaining wall. A portion of the current driveway along Franklin Street will be reconstructed. The driveway access off Exeter Street will not be impacted.

The project maps and draft environmental document can be accessed through the project website at: <http://www.i93exit4a.com>.

Traffic along Folsom Road is expected to increase significantly with the new interchange. Based upon Projected 2040 design year traffic volumes (average daily traffic), Folsom Road traffic is expected to increase from no-build of 13,800 vehicles/day to 38,900 vehicles per day. A new traffic signal is proposed at the Folsom Road/Franklin Street intersection